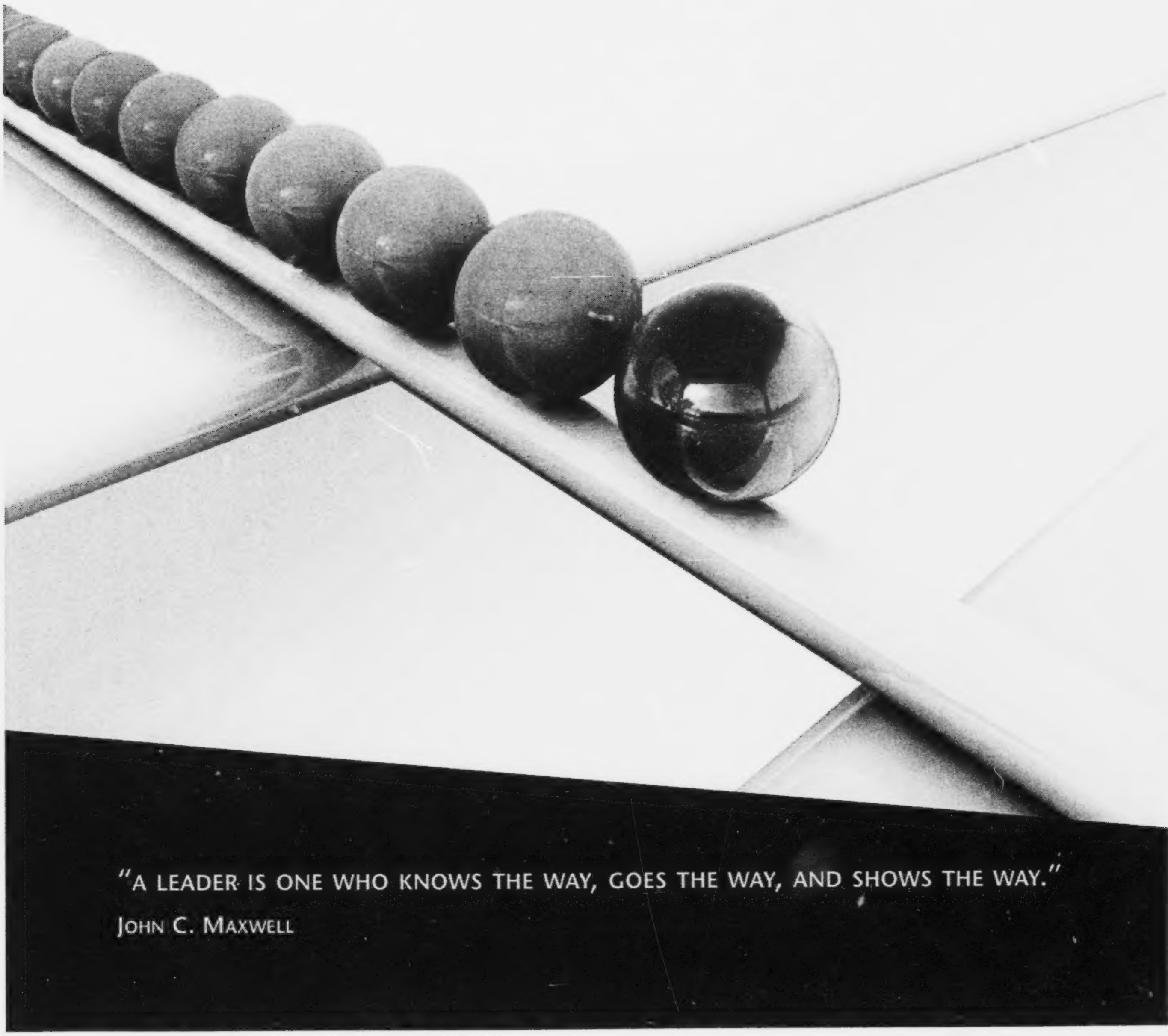
Office of the Commissioner of Official Languages

Commissariat aux langues officielles

ANNUAL REPORT

2007-2008



"A LEADER IS ONE WHO KNOWS THE WAY, GOES THE WAY, AND SHOWS THE WAY."

JOHN C. MAXWELL

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THE SPEAKER OF THE SENATE

Ottawa

Mr. Speaker,

Pursuant to section 66 of the *Official Languages Act*, I hereby submit to Parliament, through your good offices, the annual report of the Commissioner of Official Languages covering the period from April 1, 2007 to March 31, 2008.

Yours respectfully,

Graham Fraser

THE SPEAKER OF THE HOUSE OF COMMONS

Ottawa

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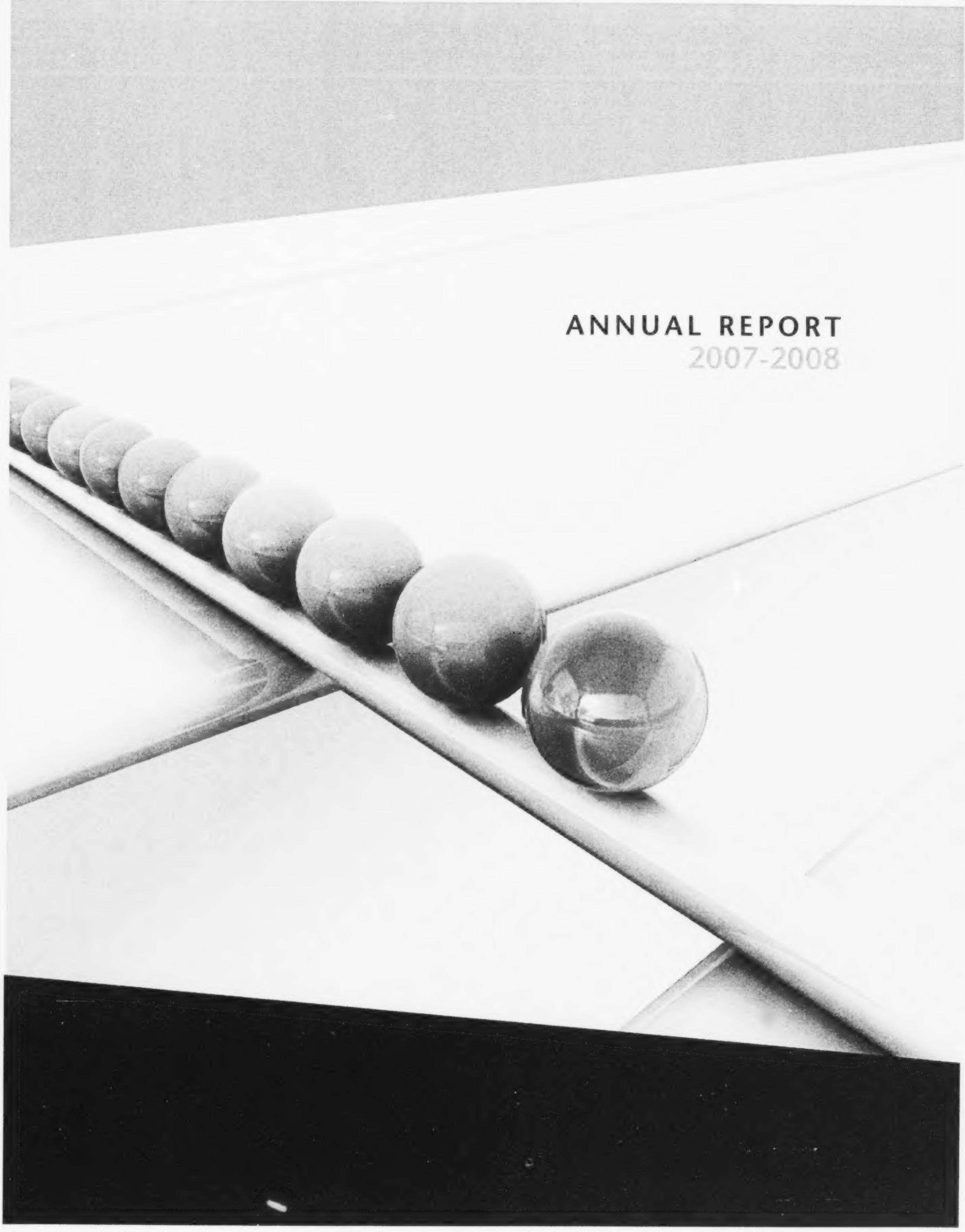

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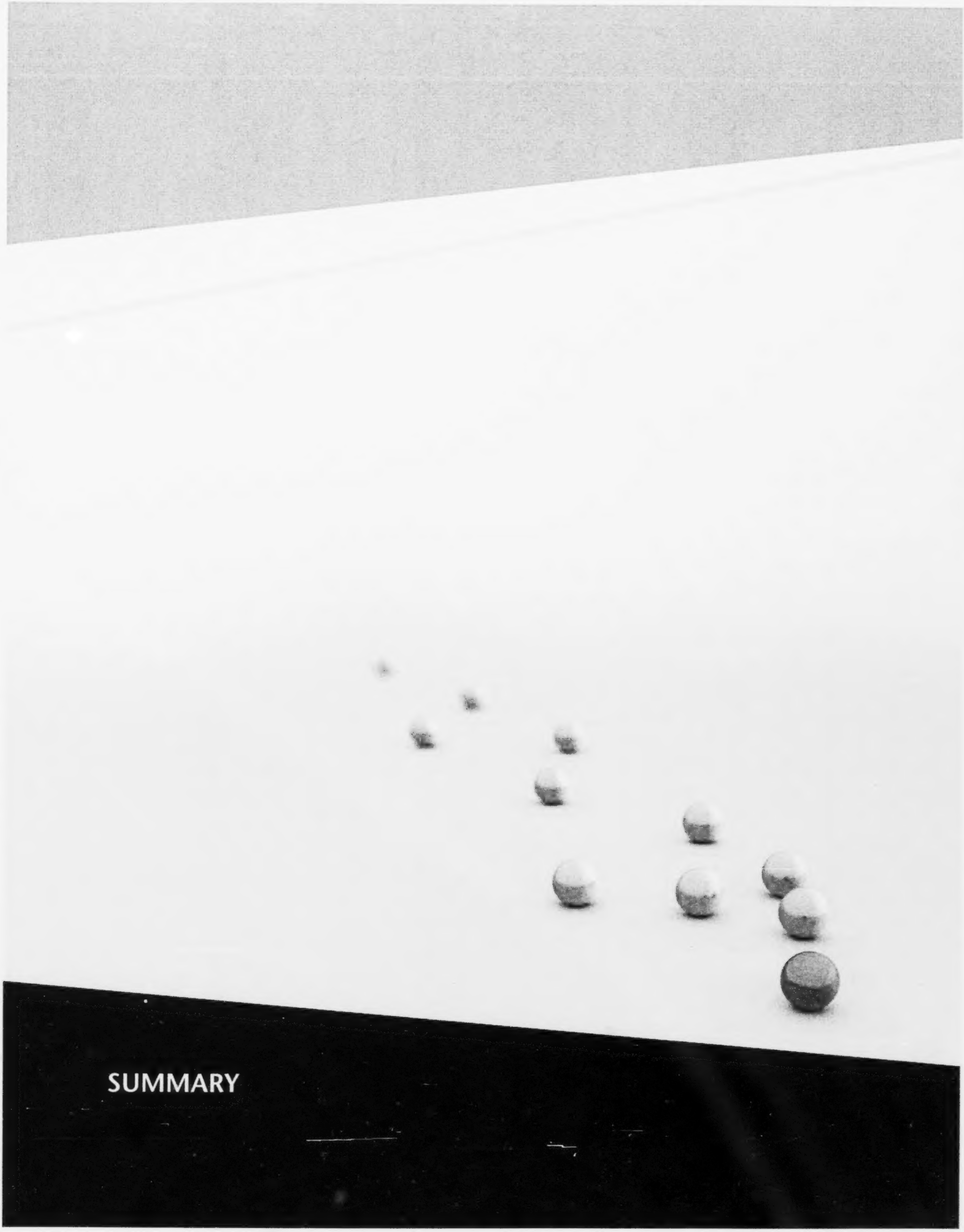


SUMMARY

SUMMARY

Major advances in official languages have been made in times of strong leadership, and for this reason the Commissioner of Official Languages, Graham Fraser, has chosen to base his report on this theme this year.

The Commissioner's analysis over the past year shows that the implementation of the *Official Languages Act* has reached a plateau and that the federal government as a whole is still having difficulty resolving systemic problems. The Commissioner notes that implementation of several parts of the Act is incomplete, and the performance of certain institutions in terms of language of work has even deteriorated. In his opinion, the implementation of the Act is still largely incomplete, and often prone to setbacks.

The Commissioner calls for stronger and more effective leadership from federal institutions, and encourages them to adopt more results-based approaches. The Commissioner also proposes new ways of helping institutions achieve the best results possible. He asks them to pay special attention to the creation of a work environment that is conducive to the use of both official languages. In addition, he recommends that senior managers in federal institutions immediately take concrete measures in this respect.

The Commissioner also notes that many federal institutions are uncertain about their obligation to take positive measures to foster linguistic duality and support the development of official language communities. He reminds these institutions that they cannot sit back and wait, and that they must instead take action and be daring. Furthermore, the Commissioner believes the investigation he carried out on the 2006 budget cuts demonstrates the extent to which some government decisions do not take into consideration Part VII of the Act.

Of course, the Commissioner places a great deal of importance on the initiative that will replace the *Action Plan for Official Languages*, and invites the federal government to show leadership in this regard. The new action plan must address the urgent issues brought to light by the 2006 census and the Survey on the Vitality of Official-Language Minorities. The Commissioner also hopes the federal government will place greater emphasis on promoting linguistic duality, particularly among young people and newcomers, and on second language learning.

The Commissioner would also like the government to take advantage of public service renewal to place linguistic duality at the centre of the federal administration's priorities. As a first step, training sessions should be used to ensure new public servants and executives better understand the fundamentals and requirements of the Act. The Commissioner believes that public service renewal is a golden opportunity and recommends that the Clerk of the Privy Council fully integrate linguistic duality into renewal initiatives.

Moreover, the Commissioner is strongly convinced that the government must strengthen its commitment to the horizontal governance of official languages, both through stronger political leadership and through concrete implementation methods within the federal administration. Political leadership is part and parcel of functional and effective horizontal governance. Consequently, the Commissioner believes the Government must reinforce its commitment to strengthen the horizontal governance of official languages, and makes several recommendations on this subject to the Prime Minister, the Clerk of the Privy Council and the Minister for Official Languages.

Since Canada is developing in a changing context, it is appropriate to ask what influence these many transformations have on the linguistic composition of the country. Some proposals for government reform directly affect official languages, including the Senate reform project, which currently does not take official language communities into consideration. Moreover, the proposed changes to federal government spending power may affect linguistic duality. In this regard, the Commissioner recommends that the Prime Minister take measures to ensure that any large-scale reform fully respects language obligations and takes into account possible effects on official language communities.

Other factors also have a major influence on the official languages situation in Canada, including the rapidly growing number of allophones in the population. The Commissioner therefore emphasizes the need for a dialogue on the interaction between linguistic duality and cultural diversity and on the way to integrate these ideas into an inclusive vision of citizenship in the Canada of tomorrow.

The promotion of linguistic duality and community development are among federal institutions' primary obligations in terms of official languages. Institutions can fulfil these obligations in a variety of ways. For example, learning a second language is a good way to promote linguistic duality within the country. However, the federal, provincial and territorial governments have a lot of work to do to achieve the objective set out in the Action Plan 2003–2008 of doubling the proportion of young people between the ages of 15 and 19 who can speak both official languages by 2013. Canada can also project an image abroad that accurately reflects its linguistic duality. Unfortunately, the Commissioner has noted that this is not always the case and once again encourages the federal government to show stronger leadership in this regard.

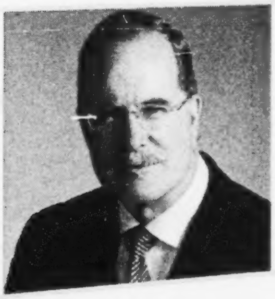
Finally, in terms of community development, many different parties must work together to increase community vitality, including the communities themselves, governments and researchers. The 2006 census and the Survey on the Vitality of Official-Language Minorities now provide these parties with better sources of information to review and analyze the current status of official language communities. However, in the Commissioner's views, the governement has much work to do in order to use the full potential of the amendments made to the Act in 2005. In summary, the government must strengthen its leadership to support all aspects of community vitality.

RECOMMENDATIONS :

1. **The Commissioner recommends that the Prime Minister:**
   a) create an ad hoc committee of ministers, chaired by the Minister for Official Languages, to oversee the full implementation of the new action plan and language requirements within all federal institutions;
   b) ensure Cabinet, supported by the Official Languages Secretariat, reviews official languages matters at least once a year;
   c) ensure the Official Languages Secretariat is given the authority it needs to fulfill a horizontal coordination role in order to implement the *Official Languages Act* in its entirety.
2. **The Commissioner recommends that the Clerk of the Privy Council** ensure deputy ministers' annual performance reviews include efforts to implement the *Official Languages Act* in its entirety, especially Part VII.
3. **The Commissioner recommends that the Minister for Official Languages** give the Official Languages Secretariat the mandate of reviewing the official languages accountability and reporting requirements to simplify the process and, above all, strengthen the focus on results.
4. **The Commissioner recommends that the Clerk of the Privy Council** ensure linguistic duality is fully integrated into public service renewal initiatives, especially in recruitment, training and development, so that linguistic duality is considered a value in the federal administration.
5. **The Commissioner recommends that the Prime Minister** ensure the government fully respects its linguistic obligations and the vitality of official language communities during any large-scale reform, such as program reviews, transfers of responsibilities, or decisions to change the nature of, privatize or move a federal institution.
6. **The Commissioner recommends that the Secretary of the Treasury Board of Canada** demonstrate, by December 31, 2008, that the Secretariat (the lead federal institution for expenditure review) has taken the necessary steps to ensure expenditure and similar reviews within the federal government are designed and conducted in full compliance with the commitments, duties and roles prescribed in Part VII of the *Official Languages Act*.
7. **The Commissioner recommends that deputy heads of all federal institutions** take concrete steps, by December 31, 2008, to create a work environment that is more conducive to the use of both English and French by employees in designated regions.

LEADERSHIP AND OFFICIAL LANGUAGES

FOREWORD BY GRAHAM FRASER



> *"LINGUISTIC DUALITY IS NOT ONLY A REQUIREMENT—IT'S A VALUE AND AN ESSENTIAL CHARACTERISTIC OF PUBLIC SECTOR LEADERSHIP."*
>
> **GRAHAM FRASER, COMMISSIONER OF OFFICIAL LANGUAGES**

Canada's commitment to both official languages is rooted in our history, and on the 400th anniversary of the founding of Québec and the 20th anniversary of the first amendments to the *Official Languages Act*, it is useful to remember this.

Indeed, it is intriguing to see that the Fathers of Confederation saw the question of language in terms of a founding principle of respect.

On the last night of the Confederation Debates, on March 10, 1865, John A. Macdonald responded to a question about the status of French in the new political arrangement that was being developed. He said that "the use of the French language should form one of the principles on which the Confederation should be established." George-Étienne Cartier immediately rose to add that it was also necessary to protect the English minorities in Lower Canada with respect to the use of their language.[1]

That commitment to the principle of respect for both languages, anchored in the founding debate over Confederation, has sometimes wavered over the last 143 years, but it has been steadily reinforced over the last four decades with the *Official Languages Act*, the *Canadian Charter of Rights and Freedoms*, a series of Supreme Court decisions interpreting the language rights in the Charter, the latest amendment to the *Official Languages Act* in 2005, and, most recently, the Federal government's commitment to renew the Action Plan 2003–2008. It is against this principle of respect that any government's actions should be evaluated.

Every journey proceeds in stages. A year ago, in my first Annual Report, I stressed the theme of building bridges—and spent much of my time in my first year working on establishing the links and connections that are essential for a commissioner of official languages. I visited nine provinces and two territories; I met and spoke to community organizations, university presidents, school boards, provincial organizations, immersion teachers, provincial premiers and ministers, high school students, and, of course, federal parliamentarians, ministers and public servants. I gave some 75 speeches, and 154 media interviews—and made nine appearances before parliamentary committees.

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[1] *Parliamentary Debates on the Subject of the Confederation of the British North American Provinces*, 3rd session, 8th Provincial Parliament of Canada, Quebec, Hunter, Rose & Co, 1865, pp. 944–945. Macdonald is quoted by Richard Gwyn in *John A.: The Man Who Made Us, The Life and Times of John A. Macdonald, Volume One: 1815–1867* (Toronto: Random House Canada, 2007), p. 323.

Over the past year, I began to reflect more and more on the question of leadership. I am not the first commissioner to raise the issue; several, if not all of my predecessors have stressed that without a strong message from the top that linguistic duality is a core value, a climate of respect for the *Official Languages Act* will never be established in the federal public service, or in Canadian civil society.

I continued to be concerned that mastery of both official languages in the public service is seen as a series of burdens and regulations rather than as a value, as obligations and obstacles rather than as opportunities, with little relationship to the critical elements of communication, respect, understanding and leadership.

As I reflected further on the question of leadership and official languages, I concluded that there is a tendency in any complex organization to translate values into burdens. When you lose sight of the goal and concentrate solely on the process, transparency becomes the burden of access to information; responsible financial management becomes the burden of auditing, internal auditing and performance measurement. In the same way, the value of linguistic duality becomes the burden of staffing, training and testing. But linguistic duality is not only a requirement; it's a value—an essential characteristic of public sector leadership.

There are seven million Francophones in Canada. How could anyone play a national leadership role while unable to communicate with those people, or understand the world they live in? These are not new observations. Five years ago, the Action-Research Roundtable on Official Languages in the Workplace observed that "Bilingualism in the federal government is not only a legal obligation but is, above all, a question of knowing how to communicate with Canadians."[2] However, I thought it would be useful to deepen the reflection on language mastery as a key component of leadership.

There are all too many negative examples of lack of respect for linguistic duality. The challenge is to define the positive. How can bilingualism and respect for linguistic duality become key characteristics of leadership within the public service? What would be the impact if they were actually considered as values and not as mere obligations? What effect would this have on the recruitment, promotion and, perhaps most important, the behaviour of employees? These are not questions with simple answers, but I intend, over the course of my mandate, to deepen the examination of best practices in terms of respect for both official languages in the workplace so that there can be a better answer to the question that one senior official raised with me: "What does good look like?"

Since accepting the position as Commissioner of Official Languages in October 2006, I have had ample opportunity to observe the relationships that exist between leadership and language. The famous "C" level for oral interaction requires the person being evaluated to be able to explain a complex issue in their second language, to be persuasive, to intervene in a conflict at work, supervise an employee, give advice, or, as someone from the Public Service Commission told me, be able to testify in court or give a course.

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[2] Patrick Boisvert and Matthieu Leblanc, *French to Follow? Revitalizing the Official Languages in the Workplace*, CCMD Action-Research Roundtable on Official Languages in the Workplace (Canadian Centre for Management Development, 2003), p. 4.

These are not language criteria, they are leadership criteria. It is unthinkable that anyone be named to a leadership position who is unable to explain, persuade, intervene, supervise or advise in both of Canada's official languages; just as Ginger Rogers had to do everything that Fred Astaire did but backwards and in high heels, leaders in the public service have to do all that in English and in French.

In June 2007, I heard Jeffrey Gandz of the Ivey Executive Program and Ivey Leadership Program talk about leadership and the importance of the ability to influence and persuade—which involves envisioning, engaging, enabling, energizing, encouraging, empowering and exhibiting values.

"If leaders don't exhibit values, the values don't exist," he said. I asked him how important it was for leaders to be able to communicate to the organization as a whole, as opposed to just the direct reports. That, he said, was the distinction between a leader and a manager. You manage within a system; you lead across systems.[3] All this to say that to be a leader in the public service, one must know how to influence, persuade, engage, energize and empower—not to mention supervise and advise—all employees, in English and in French. As James Kouzes and Barry Posner put it, "leadership is a relationship."[4] And leaders in the public service need to be able to establish that relationship in either official language.

Indeed, most theories of leadership revolve around the idea that to lead is to communicate. Again, it is difficult to conceive how one could exercise those leadership skills or competencies without being able to understand and communicate with all those being led, and the other constituencies that any leader must deal with. And in the public sector—and more broadly, in public life—in Canada, this means being able to communicate in both official languages: with 7 million Francophones (four million of whom speak no English) as well as the 23 million Anglophones (20 million of whom speak no French).

In their recent book *Made in Canada Leadership*, a study of leadership in Canada, Amal Henein and Françoise Morissette identify what they call the five cornerstones of the Canadian leadership brand: harmony, integrity, quality, resourcefulness and inclusiveness.[5] Serving Canadians and managing public servants in the language of their choice is fully consistent with those values.

I noted with interest that in June, the management firm Accenture[6] once again praised Canada's public service in terms of service delivery and efficiency. The study stresses that Canada has a "strong and compelling vision of value-led, citizen-centric service."[7] No doubt that praise is fully justified. Canada's public servants are among the most professional and qualified groups of people in the world. Now, Accenture did not mention bilingual services this year, but I would argue—and data in the annual report demonstrate it—that it is an important component when evaluating the quality of service delivery. And the value of linguistic duality is yet to be fully integrated into the public service. It remains a largely untapped potential. It is also a critical aspect of public service renewal. It is important that leadership in the area of official languages be reinforced in this period, when the public service is hiring to replace a generation that is retiring.

[3] Jeffrey Gandz, "Leadership Talent: Identification and Development," Public Policy Forum, June 19, 2007.

[4] James M. Kouzes and Barry Z. Posner, *The Leadership Challenge* (San Francisco: John Wiley & Sons, 2007), p. 24.

[5] Amal Henein and Françoise Morissette, *Made in Canada Leadership: Wisdom from the Nation's Best and Brightest on Leadership Practice and Development* (Mississauga: John Wiley & Sons, 2007), p. 233.

[6] Accenture, *Leadership in Customer Service: Delivering on the Promise*, 2007.

[7] *Ibid.*

Put differently, every time a francophone citizen has trouble getting service, or deals with a public servant who is obviously uncomfortable in his or her second language, the perception grows that French is an afterthought at the senior levels in the federal government.

An unfortunate example comes to mind. Last April, it became clear that the identification panels at the information centre at Vimy Ridge were written in very poor French. It emerged that the panels had been prepared by a group of British volunteers who were deeply involved in the question of the tunnels at Vimy. They generously translated the panels themselves. No one thought to check the quality of their translation, and what was intended as a generous and well-meaning gesture became, through official carelessness, an embarrassing incident. When the errors were brought to public attention, the Department of Veterans Affairs moved quickly to remove and revise the panels, but the damage was done.

There have been other unfortunate incidents where French was not just disrespected; it was treated with contempt. Such incidents reflect attitudes that I would have thought had disappeared long ago.

I do not want to leave the impression that leadership is non-existent in the area of official languages. I can think of a number of examples, inside and outside government, where leadership is being exercised. I have already mentioned the example set by the Prime Minister who, in a passage spoken in French before the Australian Parliament, stressed that Canada was born in French. Similarly, a number of corporate leaders in English Canada have been appearing in French-language television commercials. And the Ontario government has named the province's first Commissioner for French Language Services.

Some federal institutions are making a vigorous effort to respect both official languages in the workplace, offer services in both languages, and take positive measures to help official language minority communities thrive and flourish. There are a number of examples cited in this report, but let me mention one. On a beautiful winter day, I arrived at Gatineau Park—a park north of Ottawa owned and operated by the National Capital Commission—to go cross-country skiing. I was greeted warmly by a smiling attendant, who said "Bonjour! Hi!" When I responded, he explained that there was a race scheduled that day, and told me what I should do if I faced a flood of cross-country racers. He was just as ready to give the same explanation in the other official language, equally cheerfully. That, I thought, is "active offer," and a credit to the employee and National Capital Commission. I was not surprised when I learned that our evaluations had found that the National Capital Commission had an exemplary performance in terms of official languages. The Commission had made it a value, and instilled it as a key element of its service to the public. It showed—and everyone who came into contact with that attendant moved on with a smile.

One of the more striking examples outside the federal government is Edmonton Public Schools, whose approach to language teaching is one of the most comprehensive in the country. It has produced terrific results and has attracted attention from other boards across the country. After witnessing a decline in immersion enrolment, the School Board did an analysis of what was necessary to provide quality second language education. They ended up with 14 criteria, including support from the board and the principal, competent and enthusiastic teachers who received professional development support, and financial investment in the program. They then took measures to ensure those criteria were met. The effect on teachers, the quality of the teaching—and the retention of students—was almost immediate. It is a model for the country.

Most of these measures are common sense; the extraordinary thing is that they were applied. And one of the other remarkable things is that the people responsible for the transformation do not talk about K-6, K-8 or K-12—the spectrum of years of education within their jurisdiction—but K-16, or until the end of post-secondary education. The proof of their success in graduating students who are not only competent but confident in their second language is that 67 per cent of the student body at Campus Saint-Jean, the French-speaking campus of the University of Alberta, are immersion graduates.

Another example of leadership is the role that the Société Franco-Manitobaine has played in encouraging, welcoming and supporting French-speaking immigrants to the province. This has involved working with the provincial and federal governments, participating in foreign missions, and hiring someone—originally an immigrant herself—to work fulltime on the issues involved in welcoming French-speaking immigrants and refugees.

Unfortunately, not all of Canada's civil society institutions are success stories, or demonstrate leadership in communicating across the language divide.

In a recent issue of the *Canadian Journal of Political Science*, François Rocher of the University of Ottawa, presents an analysis of the degree to which English-speaking scholars in Canada take into account the work of French-speaking scholars.[8] His premise, or as he puts it, his expectation, "which seems legitimate"[9] is the following: "To fully understand the social and political Canadian reality implies a deep awareness of its complexity. It also implies that the researcher will take into consideration the works related to the object of research without systematically ignoring a significant proportion of scholarly work, particularly emanating from a different linguistic universe."

He then relates this assumption about research to the country as a whole: "If Canada, as a political community (and a national community, as is used widely in the vocabulary of English Canada) is composed of two global societies, scholarly production related to it must reflect this reality if it wishes to be inclusive and comprehensive."

Rocher concludes his normative expectation by writing "knowledge of the French language, at least the capacity to read it, constitutes a prerequisite for a complete and serious analysis of Canada." This statement, Rocher acknowledges, "will be very controversial for some, self-evident for others." As far as I am concerned, it is self-evident. Without recapitulating all of Rocher's careful research, analyzing the degree to which English-Canadian scholars cite French-language sources, he concludes that there is a very small number of references to works produced in the French-speaking universe by English-speaking scholars writing about Canada: five per cent.

This phenomenon is particularly unfortunate. Universities in general and academic research play a critical role in educating a younger generation and informing society as a whole. If scholars assume that nothing of value about Canada is written in the other official language, they are widening rather than bridging the divides that exist in this country. Debates over issues of identity, citizenship, diversity and language are occurring in English and in French in Canada, and to listen to only one linguistic version of the debate is to hear only part of it. This has been particularly true over the last year since, for the first time in a long time, there is a debate in Quebec over how the society should re-engage with the rest of Canada.[10]

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[8] François Rocher, "The End of the 'Two Solitudes'? The Presence (or Absence) of the Work of French Speaking-Scholars in Canadian Politics," *Canadian Journal of Political Science / Revue canadienne de science politique* 40,4 (December 2007), pp. 833–857.

[9] *Ibid.*

Similarly, the 2006 census results have stimulated a renewed discussion about the strength and fragility of French in Canada, with intense discussions about the language chosen by immigrants to Quebec, the proportion of mother-tongue Francophones in Quebec, and the use of French and English as languages in the workplace. Some of the data seems self-evident: if Canada is going to welcome over 200,000 immigrants from other countries, and 40,000 are going to settle in Quebec, it is not surprising that those who speak English and French as a mother tongue will diminish as a proportion of the total population. Other data, such as the drop, albeit slight, in the number of Francophones living outside Quebec, and the drop in bilingualism among young English-speaking Canadians, are more problematic. It is not surprising that this existential debate has resumed.

All of this debate and discussion present a particular challenge for the federal government, as the key bridge between Quebec and the rest of the country and between the majority and minority communities, and for Canadian civil society. Much of federal policy for three decades following the election of the Parti Québécois in 1976 was defensive, seeking strategies to keep Canada united. If there is now a debate in Quebec on how to re-engage in the country, the situation becomes very different.

How do national institutions connect with Quebeckers, the majority of whom do not speak English? As the Canadian Forces recruit soldiers, how do they communicate with, train and lead Francophones? As the Federal Public Service reaches out to replace the generation of baby-boomers who are now on the cusp of retirement, how does it deal with the fact that many of the new recruits to the public service do not have the French they need to rise in the executive ranks, but also, an increasing number need training in English?

This means that leaders will have to renew their sense of responsibility. What the *Official Languages Act* requires, and what public servants should expect from their leaders and for themselves, is respect, and the right to work in the official language of their choice. This means, at the very least, being understood.

A deputy minister who is unable to respond in French to a question in French from an employee at a town hall meeting of staff is unable to provide leadership. A manager or an executive who does not give as much critical attention and feedback to a document in French as to another document in English is not providing leadership. If senior public servants do not set the tone and show leadership in this matter, who will? What would a deputy or a senior executive in the public service who is fully respectful of linguistic duality look like? How would he or she behave in order to create a sense of language equality?

There are the obvious things, of course: having a relationship with Francophone colleagues in French; ensuring that all communications to staff are in both languages; making it clear that memos and documents that are prepared in French get just as careful attention as those prepared in English; and also the question of speaking to public servants in Quebec, or New Brunswick—being able to address them, in the language of their choice.

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[10] André Pratte, ed., *Reconquérir le Canada : Un nouveau projet pour la nation québécoise* (Montréal: Les Éditions Voix parallèles, 2007).

Playing a leadership role in a public sector organization that respects both official languages means much more than simply being able to read a speech in French, or conduct a meeting in which both languages are used, or ensuring that messages to staff go out in both languages. It means creating a working environment where people know that the person they report to—or the senior executives in the organization—will understand the 35-page legal document or policy study in French, and don't have to wait for the translation. It means running a meeting where people are comfortable joking in either language. More than that, it means knowing the cultural environment in which French-speaking executives and employees live: the newspapers they read, the television programs they watch, the movies they see, the theatres they support. It means getting their jokes. It means understanding the cultural references of French-speaking colleagues who watch *Le téléjournal* rather than—or in addition to—*The National*, and on Mondays discuss what was said on *Tout le monde en parle* the night before.

The last year has been an interesting, but sometimes frustrating one in the area of official languages. In October, the final report on the investigation into 118 complaints on the government's budget cuts in September 2006 was completed, and we found no evidence that the government had met its obligations under the amended Part VII of the *Official Languages Act*. Subsequently, in February, my office intervened in the case brought by the Fédération des communautés francophones et acadienne against the Federal Government over the abolition of the Court Challenges Program. That decision will be the first judicial clarification of the scope of the amended Act.

As well, the Standing Senate Committee on Official Languages, as we note later in the report, asked my Office to take a close look at the impact that transferring the responsibility for co-ordinating official languages from the Privy Council Office to Canadian Heritage has had on the governance of official languages issues.

In last year's annual report, I noted the government's verbal commitment to official languages, but expressed concern that actions had not lived up to this commitment. My first recommendation was that the government create an initiative to succeed the Action Plan.

In the Speech from the Throne, the government made a commitment to renew the *Action Plan for Official Languages*, which expired on March 31, and commissioned former New Brunswick Premier Bernard Lord to conduct consultations on the issue across the country, and to take into account the recommendations of the House and Senate Committees, and the Commissioner. That commitment was reiterated in the Budget, but without any confirmed funding. Mr. Lord's report, made public on March 20 by the Minister, contains many interesting recommendations although there are some gaps.

While these were positive signs of a determination by the government to meet its commitment to take a leadership role, it will be important to see and to evaluate what the government actually does. As of March 31, when the Action Plan expired, the year that this Report covers has been like a play inspired by Samuel Beckett: Waiting for the New Action Plan.

The year 2008-2009 promises to be just as interesting. 2008 will mark the 400th anniversary of the founding of Québec City—when, as the prime minister put it, Canada was born in French. This will be an important opportunity to remind Canadians of the historical roots and origins of the country, and to make this key event in the history of the French fact in Canada a celebration for all Canadians, and not merely Francophones or Quebeckers.

Then 2009 will be the 40th anniversary of passage of the *Official Languages Act*. This will provide an important opportunity to evaluate how far the country has come in four decades, and the challenges that remain. But that evaluation must be made in light of John A. Macdonald's and George-Étienne Cartier's seminal remarks, a few hours before the members of the Provincial Parliament of Canada voted to endorse the resolutions that were the basis for Confederation: that the use of the French language should form one of the principles on which the Confederation should be established, and that it was necessary to protect the English minorities in Lower Canada with respect to the use of their language.

Although Canada has changed a great deal since that time, those principles remain as valid in the 21st Century as they did in the 19th. Translating those principles into reality remains a challenge for national leadership.

CHAPTER I

OFFICIAL LANGUAGES AND LEADERSHIP

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OFFICIAL LANGUAGES AND LEADERSHIP

"A LEADER LEADS BY EXAMPLE, WHETHER HE INTENDS TO OR NOT."

ANONYMOUS

In Canada, leadership in official languages means doing everything possible to give all Canadians equal opportunities to flourish in the official language of their choice.

History shows that major advances in official languages at the federal level have always been the result of strong, resolute political leadership.

In 1966, Prime Minister Lester B. Pearson laid the groundwork for a grand vision of the country's official languages, one that still underlies the aspirations of many Canadians to this day. In a statement before the House of Commons, he said his government hoped and expected that, within a reasonable amount of time, the public service would truly reflect the linguistic and cultural values of English-speaking and French-speaking Canadians.

> "The government hopes and expects that, within a reasonable period of years, [...]:
>
> a) it will be normal practice for oral or written communications within the service to be made in either official language at the option of the person making them, in the knowledge that they will be understood by those directly concerned;
>
> b) communications with the public will normally be in either official language having regard to the person being served;
>
> c) the linguistic and cultural values of both English speaking *(sic)* and French speaking *(sic)* Canadians will be reflected through civil service recruitment and training; and
>
> d) a climate will be created in which public servants from both language groups will work together toward common goals, using their own language and applying their respective cultural values, but each fully understanding and appreciating those of the other."
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> **Lester B. Pearson (1966)**[1]

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[1] Canada, *Official Report of the Debates of the House of Commons*, Vol. IV, Ottawa: Queen's Printer, 1966, p. 3915. From the statement of policy respecting bilingualism in the public service made by Prime Minister Lester B. Pearson on April 6, 1966.

This statement paved the way for the adoption, in 1969, of the *Official Languages Act*, a milestone that was to lead to equality in language rights. In 1988, the government again demonstrated leadership when it adopted a new version of the *Official Languages Act* (the Act), which considerably broadened its scope. The *Action Plan for Official Languages*, unveiled in 2003, gave fresh impetus to the official languages program and community vitality, and is another good example of leadership. The amendment of the Act in 2005, which clarified the obligations of all federal institutions with respect to the advancement of English and French, can also be added to this list.

All this progress was achieved during times of strong leadership. Nevertheless, examples could also be given of the adverse impact of a lack of leadership. In fact, the lack of leadership and vigilance in official languages matters has led to setbacks over the past 40 years.

This year, Commissioner Fraser has noticed the implementation of the Act has reached a plateau, and he wonders about the future of the country's official languages. Will Canadians allow this issue to lay dormant for a lengthy period of time? Or even worse, will they stand by while the achievements of the past are gradually lost? In the Commissioner's view, federal institutions must act now by playing a strong and persuasive leadership role.

Leadership is the theme of this chapter, which has been divided into two parts. The first part of the chapter is a discussion of the leadership demonstrated by federal institutions in implementing the Act. What portrait of leadership emerges from the Office of the Commissioner's studies, investigations, audits and report cards? What could institutions do to show stronger leadership? What opportunities are available?

As far as he is concerned, the Commissioner believes it is time to explore new ways in which to achieve sustainable results for Canadians. This issue is discussed in the first part of this chapter.

The second part of the chapter covers three issues pertaining to the future of official languages: the follow-up to the Action Plan 2003–2008, official languages governance and public service renewal. These issues are closely related to the question of leadership in official languages, and the Commissioner will therefore set out his expectations in this respect.

PART 1:

FINDINGS ON THE IMPLEMENTATION OF THE *OFFICIAL LANGUAGES ACT*

Each year, the Commissioner takes a close look at the performance of federal institutions in their implementing of the *Official Languages Act*. He analyzes their performance in terms of the various parts of the Act, paying special attention to Part IV (Communications with and Services to the Public), Part V (Language of Work) and Part VII (Advancement of English and French).

IMPLEMENTATION OF PARTS IV, V AND VII

Overview

If one were asked to describe institutions' performance regarding the implementation of the Act in one word, that word would be "plateau." Despite the progress achieved here and there in recent years, the implementation of the Act is still largely incomplete and often prone to setbacks.

This year once again, the Commissioner notes that there has been little, if any, progress made in several areas. Indeed, data show that in regards to the language of work, the situation has even deteriorated in some institutions.

It is true that the number of complaints is slowly declining, and that there has been a small amount of progress in the processes for managing the implementation of the Act. However, these improvements do not appear to be reflected in concrete results where it counts: on the ground.

What is most striking is the connection between institutional leadership and performance. Institutions that show strong leadership tend to have better results. For example, those with good marks on their report cards generally receive very few complaints.

Communications with and services to the public: Partly cloudy skies

Part IV of the Act gives every member of the public in Canada "the right to communicate with and to receive available services from federal institutions" in either official language. In accordance with certain rules, Canadians can fully exercise their constitutional right to receive services of equal quality in the official language of their choice.

Data gathered in the course of the year reveal both progress in this area and the recurrent nature of some of the problems.

In terms of progress, the first thing worth noting is that most institutions now have the policies, procedures and action plans they need to comply with this part of the Act.

In many respects, however, no improvements have been seen. The institutions most often the subject of complaints have more or less been the same for a number of years. Over the past three years, active offer[2] in person has not improved, and the number of complaints from the travelling public has been increasing. Finally, while institutions may have touched up their planning efforts, many are still finding it difficult to produce concrete results.

To summarize, history is repeating itself, as will be seen in more detail in Chapter IV.

Language of work: A weak link

Part V of the Act states that "English and French are the languages of work in all federal institutions". Every federal institution has obligations in this regard and must provide its employees with the tools and working conditions they need to carry out their duties in the official language of their choice. Institutions must also strive to maintain a work environment conducive to the effective use of both official languages. Language of work is based on the concept of bilingual regions.[3] The Act states that English and French are the languages of work in these regions and have equal status and privileges.

The Commissioner has noticed once again that the reality on the ground fails to reflect the letter and spirit of the Act. Data gathered over the course of the year indicate that Francophones in the public service feel less and less at ease using their mother tongue in all forms of communication. Meanwhile, Anglophone public servants in Quebec are strongly critical of the lack of training provided in the official language of their choice. Also, the number of complaints related to language of work, together with the report cards, reveal that a plateau has been reached.[4]

This same situation is repeated year after year, as can be seen from the three studies on language of work that the Office of the Commissioner has carried out since 2002. The first study was conducted in the National Capital Region, the second in the bilingual regions of Quebec with respect to Crown corporations, and the third in New Brunswick. The findings reveal a certain amount of progress on language of work since the Act came into effect, but a significant gap remains between employees' rights and the reality on the ground.

The language of the minority continues to be under-used as the language of work within the public service and, except in Quebec, English is still seen as the language of professional advancement.

The studies show that assimilation in the workplace is common among Francophone public servants for several reasons: their second language skills are superior compared to those of their Anglophone counterparts, their tendency to favour the language of supervisors, and the dominance of English in the organizational culture.

The studies also confirm that Anglophones are often unable to carry out their duties effectively in their second language because they are not receiving the language training they need. In addition, Anglophones hesitate to speak French at work because they are not sure they know their second language well enough, and the organizational culture favours English. Despite all this, Anglophones would benefit from making the necessary effort to use the knowledge they have.

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[2] Active offer is the use of a bilingual greeting.

[3] For more information on designated bilingual regions, see Chapter IV, page 125.

[4] For more information on language of work, see Chapter IV, page 125.

The perception that senior management is unilingual is another major obstacle. Francophones tend to favour the language of their supervisor to the detriment of their first official language. Many Francophones say they prefer to work in English so that their full value is recognized.

In a study published in March 2004 titled *Walking the Talk: Language of Work in the Federal Public Service*, the previous Commissioner proposed three strategic priorities as a basis for creating an organizational culture that truly respects the language rights of employees.

The recommendations contained in the studies on language of work all point toward a few key objectives that institutions should adopt:

- an increased use of French by senior management;
- the implementation of performance indicators based on actual use of both official languages;
- the creation of stricter follow-up measures;
- the elimination of non-imperative staffing for executive positions;
- the introduction of higher language profiles for supervisors;
- the development of training courses to foster a workplace that respects employees' language rights.

The studies have identified the problems and provided federal institutions with solutions. Institutions have everything they need to take action.

Strategic priorities[5]

The three strategic priorities proposed by the Office of the Commissioner:

- **Leadership** – establish an organizational culture centred on the respect of language rights, share the vision with all staff members, become a model of bilingualism, respect the language rights of staff at all times and allocate the resources needed to achieve results.
- **Personal capacity** – acquire second language skills, maintain skills by using both official languages regularly, exercise one's language rights and respect the language rights of colleagues.
- **Institutional capacity** – strengthen the official languages management program, prepare a management framework that is results-oriented, communicate the results achieved to all staff members once a year, facilitate staff access to language training and make tools available for staff members to maintain the learned language.

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[5] Office of the Commissioner of Official Languages, *Walking the Talk: Language of Work in the Federal Public Service* (Ottawa, March 2004).

The foregoing confirms once again that the language of work of government employees is a weak link in the implementation of the *Official Languages Act*. The standard Lester Pearson set in 1966 for language equality in the public service is far from being met.

The Commissioner is deeply concerned about this situation. What is most regrettable is that, unless the language of work logjam can be broken, significant improvement in service to the public cannot be expected. The Commissioner therefore calls on the federal government to show stronger leadership in this regard and to examine the language of work issue as soon as possible. Further discussion on this subject can be found in the section on public service renewal.

Advancement of English and French: A bittersweet portrait

Part VII of the *Official Languages Act* commits the federal government to enhancing the vitality of the English and French linguistic minority communities in Canada and fostering the full recognition and use of both English and French in Canadian society. As well, in November 2005, Parliament decided to strengthen Part VII by imposing a duty on federal institutions to take positive measures for the implementation of the government's commitments. Last year, in his first annual report, the Commissioner stated that the government's will to act, following the adoption of the amended Part VII, had not yet been clearly demonstrated.

To contribute to the collective reflection on Part VII, the Commissioner proposed a number of principles that he felt would help to better understand the notion of positive measures and provide guidance to federal institutions.

Principles proposed by the Office of the Commissioner for implementing the amended Part VII

- A proactive and systematic approach and targeted treatment (Part VII "reflex")
- The active participation of Canadians
- A continuous process for improving the programs and policies related to Part VII

The government can nevertheless congratulate itself on having made a certain amount of progress in this area over the past year. As shown by the report cards, federal institutions have made progress on establishing management procedures for Part VII. In addition, some non-designated institutions[6] have made greater efforts to implement this part of the Act.[7]

However, there are ominous signs as well. The number of complaints regarding non-compliance with Part VII has increased considerably since 2005, perhaps because the official language communities have become aware of the amendments to the Act. Also, the investigation into the 2006 expenditure review showed to what extent certain government decisions are failing to take the amended Part VII into account.[8]

A new guide for Part VII

Canadian Heritage plays a leading role in the implementation of Part VII by coordinating the work of federal institutions, and over the years it has developed several tools for this purpose.

In May 2007, the Department unveiled a new tool, the *Guide for Federal Institutions*,[9] which was prepared by a working group made up of representatives from **Canadian Heritage**, **Justice Canada** and the **Canada Public Service Agency**.

The Guide proposes a general procedure for federal institutions to give concrete expression to the government's commitments, which are now legally binding under Part VII of the Act. It encourages them to arrive at a common understanding of the amended Part VII, identify clear roles and develop accountability mechanisms.

Canadian Heritage's *Guide for Federal Institutions*

"This guide involves some 200 federal institutions that are subject to the Act. It aims to support them in carrying out their responsibilities regarding the implementation of the federal government's commitment stated in Part VII of the Act (section 41), particularly with regard to the strategic and political decisions they are required to make. It is addressed to both management committee members and those responsible for developing policies and programs, middle managers and officers who implement programs and services." [10]

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[6] While all federal institutions have the same responsibilities under the *Official Languages Act*, some 30 of them were designated and are required to prepare action plans for Part VII and submit reports to Canadian Heritage on the results they have achieved. These documents can be found on the Department's Web site at **www.pch.gc.ca/progs/lo-ol/ci-ic/inst_e.cfm**.

[7] For more information on non-designated institutions, see Chapter IV, page 139.

[8] For more information on this investigation, see Chapter IV, page 96.

[9] The new version of the Guide can be found on the Canadian Heritage's Web site at **www.pch.gc.ca/progs/lo-ol/outils-tools/tdm_e.cfm**.

[10] Canadian Heritage, "Guide for Federal Institutions: *Official Languages Act* (Part VII – Promotion of English and French)," *Bulletin 41-42* 13, 2 (Spring/Summer 2007). **www.pch.gc.ca/progs/lo-ol/bulletin/vol13_no2/5_e.cfm**, consulted on March 28, 2008.

The Commissioner would like to recognize the work carried out by the three departments, which worked together to develop this clear, practical and useful guide. He believes this publication should go hand in hand with an ongoing awareness-raising effort within the federal government, since, like a compass or a dictionary, the Guide will only be helpful if people know how to use it.

The Guide should, above all, help federal institutions become fully aware of their duty to act and fulfill their objectives under Part VII and be held accountable for their actions.

The Commissioner's expectations of federal institutions

Over the past year, two key institutions—**Canadian Heritage** and **Justice Canada**—have continued their efforts to raise awareness among federal institutions by explaining the nature of their new obligations. The Commissioner congratulates these two departments on their efforts, which should continue, and reminds all federal institutions of their duty to take action.

It is still far too early to speak of a breakthrough in the implementation of the amended Part VII of the Act. Despite the significant efforts made to raise awareness over the past two years, many federal institutions seem to be having difficulty grasping the concept of positive measures. While some are moving faster than others, as shown by the Office of the Commissioner's report cards,[11] federal institutions generally seem to be maintaining the status quo.

Federal institutions cannot simply sit back and wait. They must act, take risks and be daring, as intended by the spirit of Part VII of the Act. Institutions that get bogged down or choose to do nothing risk not only criticism, but also legal action. They have everything to gain from identifying parameters for intervention and contributing to official languages policy within their respective mandates.

Positive measures are not one-time measures. Federal institutions must become increasingly involved in the communities and linguistic duality, initiate systematic dialogue and establish long-term partnerships.

The Commissioner expects the Guide to enable federal institutions to undertake certain measures. Institutions could also draw inspiration from a project carried out by the Fédération des communautés francophones et acadienne du Canada (FCFA), in partnership with a number of community associations, to strengthen links with federal institutions and document best practices.[12]

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[11] The report cards can be found on the Office of the Commissioner of Official Languages' Web site at **www.officiallanguages.gc.ca/html/performance_rendement_e.php**.

[12] More information on this project can be found on the FCFA's Web site at **www.fcfa.ca/home/index.cfm?id=417** (in French only).

Nationwide findings on the implementation of Part VII

Over the course of the year, the Commissioner has observed the implementation of positive measures outside the National Capital Region.

Approaches and outcomes vary from one region or institution to another. Generally speaking, when coordinating the implementation of Part VII accross the country, leadership is not as clear as one might have hoped. **Canadian Heritage** must therefore be more active in its role as national coordinator for Part VII.

Over the course of the year, the Commissioner has found that few public servants across the country are fully aware of their official languages obligations. He also notes that most citizens, even members of community networks, are not always aware of the obligations of federal institutions. Raising awareness about Part VII therefore requires a sustained effort.

Best practice: The Interdepartmental Committee on Part VII

Canadian Heritage was behind the creation of a committee bringing together federal institutions that work in justice and security, such as **Public Safety Canada**, the **Correctional Service of Canada** and the **Royal Canadian Mounted Police**.

The aim of this committee, sponsored by **Justice Canada**, is to share experiences and best practices regarding Part VII.

The institutions are thus able to pool their tools, their lists of community contacts and the results of their community consultations.

One of the outcomes resulting from this committee is an improved coordination of community consultations.

The Commissioner encourages **Canadian Heritage** to create other similar committees that bring together federal institutions with common affinities.

Under these circumstances, it is not surprising to find that there is little willingness among most federal institutions to take positive measures. As previously mentioned, even though some institutions have made progress in implementing Part VII and others have set up internal procedures for managing this part, initiatives are, generally speaking, few in number and have had little success.

Communities and even officials in the regions who have attempted to define the concept of positive measures are often poorly equipped to do so. As a result, they often turn to the Office of the Commissioner, and not the institutions concerned, to obtain information and advice.

The Commissioner is concerned that Part VII is having so little impact across the country. If institutions want to see concrete results, they must work more closely with their regional offices. In particular, they must decentralize some of their resources assigned to the implementation and coordination of the official languages file. **Canadian Heritage** recognizes the importance of greater Canada-wide coordination among institutions and it is establishing mechanisms to support them in this regard.

However, few federal institutions have Part VII coordinators in the regions. When they do, the coordinators can often only spend a portion of their time on this work, or they do not have the resources they need to work effectively, or they lack the experience required to have any real influence within their organizations. It is therefore to be hoped that **Canadian Heritage**'s efforts will quickly be reflected in a greater mobilization of federal institutions in every region of Canada to fully implement Part VII.

The Commissioner believes strengthening the regional role is essential to the implementation of Part VII because it fosters the active participation of the public, one of the principles that underlie the concept of positive measures. Of course, adequate resources are needed if the regions are to play a greater role.

Communities and federal institutions: A complex relationship

In his previous annual report, the Commissioner raised issues resulting from the implementation of Part VII of the Act. In particular, he highlighted a certain gap between the expectations of the communities and the capacities of federal institutions. Yet, this gap is still present.

Over the past year, some community leaders have pointed to weaknesses in the organizational capacity of community groups. According to community representatives, these groups need better tools to adequately meet the expectations of the public and respond to challenges in the communities.

The Fédération des francophones de la Colombie-Britannique has noted that many community groups often find themselves in a very precarious situation because of their social and organizational situations. These groups do not have all the resources they need to meet the expectations of community members, and frequently have to operate on credit for part of the year because of administrative delays in receiving funding. Groups are also critical of the small amount of funding granted for their routine activities. This instability sometimes undermines efforts to recruit qualified employees, and is not conducive to long-term planning or the development of the groups' capacity to take action in favour of the priorities of the community in question. Other community groups, including the Assemblée communautaire fransaskoise and the Fédération des communautés francophones et acadienne (FCFA), have also noted that this state of affairs is unfortunately very widespread in French-speaking communities accross the country.

The Quebec Community Groups Network (QCGN) reports the same challenges of organizational capacity. It should be kept in mind that Quebec's Anglophone community, while located in a single province, is just as large as the Francophone minority population in the rest of the country. Given Quebec's great demographic, cultural and regional diversity, it is difficult to represent and serve all the Anglophone communities. A number of sectorial networks (such as those in health, education, and the arts and culture) and regional networks (in Québec City, the Outaouais region or the Gaspé) have been established to ensure community development and communicate needs to governments. Generally speaking, all these organizations are funded by the same sources, and thus often competing with each other.

The Anglophone community in Quebec is in a unique situation when it comes to implementing the federal government's obligations. The QCGN and the 29 other community organizations generally have good working relationships with federal institutions in the regions and feel they are being listened to. Also, regional coordinators for Part VII are usually in touch with what is going on in the community. However, relationships with the national headquarters of the institutions are sometimes rather tenuous, as is the influence of Anglophone community organizations on the federal government. Thus, a willingness in the regions to work with the communities does not always resonate among decision makers in the National Capital Region. Quebec's Anglophone community is one of the two official language minority communities, and federal institutions should recognize the national status of QCGN and act accordingly.[13]

Community leaders feel governments have a responsibility to develop community capacity under the amended Part VII. In their opinion, the precarious status of the community groups is evidence that governments are not taking positive measures in this regard.

The views of community groups are sometimes hard to reconcile with the views of certain federal institutions that have made efforts to meet their obligations or enhance community capacity. It should be recognized that a number of these institutions have provided multi-year funding or incorporated an "official languages reflex" into their organizational culture. These measures are a step in the right direction, but the benefits will not be immediately felt in the communities. Federal institutions, through the ongoing coordination of **Canadian Heritage**, must continue to enhance their efforts and strengthen their relationships with community representatives. In this way, each party will better understand the limitations of the other.

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[13] This idea was put forward during consultations Bernard Lord held on the next Action Plan. See the QCGN document titled *Promoting French and English in Canadian Society and furthering the development of French and English Minority-Language Communities: Submission of the Quebec Community Groups Network (QCGN) to the Government of Canada's Consultations on Linguistic Duality and Official Languages* (December 2007).

Promotion of linguistic duality: The poor cousin of Part VII

It is often necessary to remind people that Part VII of the Act has two components: the development of official language communities (community component), and the fostering of the full recognition of English and French in Canadian society (promotion component).

Federal institutions have always paid particular attention to the community component, and to some extent this has been to the detriment of the promotion component. **Canadian Heritage**'s Guide and other implementation tools tend to focus on community development, and federal institutions, with some exceptions, mainly take measures in relation to the community component. This year's report cards again confirm this tendency.

Canadian Heritage and **Justice Canada** must remind institutions that the two components of Part VII complement each other and that they are to be implemented simultaneously. The more encouragement given to recognize and use English and French in Canadian society, the more likely it is that official language communities will be supported.

THE OMBUDSMAN ROLE: A RENEWED APPROACH

Background

For the past few years, the Office of the Commissioner has been consistently drawing the same conclusion: the application of Canada's language policy is incomplete and the Government of Canada continues to fall short of its own objectives. The findings of several successive annual reports, including this one, show a plateau has been reached in the implementation of the Act.

The Office of the Commissioner of Official Languages hopes to negotiate and sign memoranda of understanding with several federal institutions in the coming year. The objective of these agreements will be to increase collaboration between the Office of the Commissioner and federal institutions, promote the sharing of information, develop a system to quickly resolve complaints should they occur and identify measures that can be taken to prevent complaints before they happen. This proactive measure is part of the renewed approach that the Commissioner is taking to his ombudsman role.

This situation has led the Commissioner to look at other ways of carrying out his role as ombudsman and protector of Canadians' language rights. In addition to the investigations, report cards, audits and court interventions, are there other means that could be used to resolve disputes related to official languages? Should the ombudsman role be renewed to improve collaboration with the institutions in order to bring them to more fully meet their obligations?

The Commissioner notes that the ombudsman role is evolving both in Canada and abroad. An essential part of the ombudsman role is addressing complaints and reacting to infractions that are brought to the Commissioner's attention. More effective methods are increasingly being adopted to resolve disputes. In addition to this important work, which is carried out after a situation has occurred, it is nevertheless necessary to take a more proactive approach to prevent the problems that give rise to complaints.

For example, since the *Public Service Modernization Act* was adopted in 2003, federal institutions have been required to put in place an informal dispute resolution system. Ombudsmen in some institutions have taken this opportunity to streamline their procedures and adopt more energetic approaches to dispute resolution.

The Canadian Human Rights Commission has made fundamental changes to its dispute settlement procedure by focusing on mediation and prevention. It is already seeing more lasting and effective results. Ombudsmen at the provincial level have also initiated similar changes in direction, particularly in Quebec, Ontario and Alberta.

Two principles for a renewed approach

The Commissioner has decided to renew his role as protector of Canadians' language rights in order to place a greater focus on results. While recognizing that the responsibility lies with institutions to take measures to improve their performance, the Commissioner wishes to play a more collaborative role with the objective of achieving better results for Canadians.

The approach he recommends rests on two principles: a lasting and more effective resolution of complaints, and the prevention of problems that give rise to complaints.

A lasting and more effective resolution of complaints requires a better understanding of the needs and interests of all parties involved, both the complainants and the federal institutions, and it requires taking into account the public interest when working toward the major objectives that underlie the *Official Languages Act*. To this end, the Commissioner's renewed approach includes new methods of intervention for handling complaints in a way that encourages all parties to support and implement lasting solutions.

The prevention of problems that give rise to complaints involves identifying potential problems before they happen and taking preventive action with federal institutions. The Commissioner will work with the institutions and encourage them to adopt prevention-based strategies. He will also insist on the importance of addressing recurring and systemic problems and acting in a more proactive manner to solve them.

While these two principles form the basis of the renewed ombudsman role, existing methods such as investigations, report cards, audits and court interventions will continue to be used to address compliance issues. The Commissioner believes that the introduction of new tools, alongside those that already exist, will be an important step in ensuring that the language rights of canadians are more fully respected.

PART 2:
VISION, COMMITMENT AND LEADERSHIP

THE ACTION PLAN

In March 2003, the federal government launched the *Action Plan for Official Languages*. The main purpose of the plan, which extended over a five-year period and had an initial budget of $751 million, was to enhance the vitality of official language communities and to strengthen linguistic duality in communities and in the public service. To this end, the government decided to simultaneously focus on four axes: education, the development of official language communities, the public service and the language industry.

The Office of the Commissioner has always supported this plan, which revitalized the communities and the official languages program after they were affected by several budget cuts during the 1990s. In his annual report last year, the Commissioner made a recommendation urging the Minister for Official Languages to develop an initiative intended to succeed the Action Plan 2003–2008.

In 2006–2007, the Commissioner recommended:

"that the Minister for Official Languages, in cooperation with the communities, provinces and territories, create an initiative, over the coming year, that will succeed the *Action Plan for Official Languages* and consolidate what has been gained. During the design process, the federal government must carefully consider expanding the scope of the Action Plan to include, in particular, arts and culture, youth initiatives and new measures for promoting linguistic duality."

The Commissioner's request, and those of a number of other stakeholders, struck a chord. In his second Speech from the Throne, delivered on October 16, 2007, the Prime Minister reiterated his support for official languages by announcing his intention to renew the *Action Plan for Official Languages*. He then entrusted Bernard Lord, former premier of New Brunswick, with the task of consulting with official language community representatives and other stakeholders on the main issues and the direction of a potential official languages initiative.

In December 2007, Bernard Lord travelled across the country and heard from a number of groups, including Canadian Parents for French, the Society for Educational Visits and Exchanges in Canada (SEVEC), the Canadian Association for Second Language Teachers (CASLT), the Fédération des communautés francophones et acadienne du Canada (FCFA) and the Quebec Community Groups Network (QCGN). It should be noted that these last two groups had carried out a significant amount of work beforehand to identify their expectations. For example, at its summit in June 2007, the FCFA identified the challenges and priorities of the Francophone and Acadian communities. The QCGN did the same at its forum in February 2008. Following these consultations, Bernard Lord submitted his report to the Minister of **Canadian Heritage** on March 3, 2008,[14] and it was made public on March 20, 2008.

In addition to the Lord report, other sources continue to influence the government, including the reports of the House of Commons Standing Committee on Official Languages on the vitality of official language communities and on bilingualism in the public service.[15] Data from the post-censal survey[16] also shed new light on the situation of official language communities and confirmed their concerns.

Although the Commissioner's reaction to the Speech from the Throne and Bernard Lord's consultations was favourable, the budget of February 26, 2008, dampened hopes. Oddly enough, it simply repeated the main points in the Speech from the Throne on linguistic duality. While it recognized the consultation process carried out by Mr. Lord, the budget did not offer any details about expected funding for the next phase of the Action Plan. In his report, Mr. Lord recommended that $1 billion be dedicated to the future initiative. While not wanting to comment on specific sums, the Commissioner is also of the opinion that additional funding, compared to the budget of the first Action Plan, will have to be invested to increase capacity and make progress.

In the meantime, what are the Commissioner's impressions as the first *Action Plan for Official Languages* comes to an end and what are his expectations for the new initiative?

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[14] The report submitted to the Minister of Official Languages titled *Report on the Government of Canada's Consultations on Linguistic Duality and Official Languages* (February 2008) can be consulted on Canadian Heritage's Web site at **www.pch.gc.ca/pc-ch/consultations/lo-ol_2008/lord_e.pdf**.

[15] This report can be consulted on the Standing Committee on Official Languages' Web site at **http://cmte.parl.gc.ca/cmte/CommitteePublication.aspx?COM=10472&SourceId=206230&SwitchLanguage=1**.

[16] On December 11, 2007, Statistics Canada published a survey on the vitality of official language communities. This survey addressed various topics, including language use in daily activities, health care, the sense of belonging and educational experience. A number of federal institutions, including the Office of the Commissioner, contributed to the funding of the project and to the development of the main topics. See chapter III, p. 82 for more details.

First axis: Education

Most of the funding under the Action Plan was allocated to education, more specifically minority-language education and second language instruction. Both of these topics will be addressed in the following paragraphs.

It should, however, be pointed out that the government transferred significant amounts for education to its provincial and territorial partners through the Protocol of Agreement for Minority-language Education and Second-language Instruction. This protocol expires in March 2009. In the meantime, the Commissioner is anxiously awaiting a midterm report that will summarize the results of the first two years (2005 to 2007). He takes this opportunity to reiterate the importance of transparency in accountability and the need to publish and share information on the fulfillment of objectives, in accordance with the clauses of the Protocol.

Achievements in **minority-language education** vary from one province or territory to the other. One thing is for certain, however: results are consistent with efforts made by provincial and territorial ministries of education, school boards and their community partners. The areas of intervention in which positive results are observed include the francization of students attending French-language elementary schools, or what some would refer to as "language upgrading." In many settings, targeted programs have been implemented to ensure that eligible students[17] who start at a French-language school have sufficient knowledge of French to be successful from their first year.

Despite efforts undertaken to improve curricula, the Commissioner is of the opinion that there is still a great deal to be done in the area of minority-language education. One of the main objectives of the Action Plan was to increase enrolment at minority schools. Yet data from the post-censal survey highlight troubling trends. The survey indicates that only 49% of Francophone rights holders attend a French-language minority school.[18] About 36% are educated in English and 15% are enrolled in immersion programs. It should also be noted that more than one-third of parents who enrol their children in immersion programs would have preferred a French-language school: many had to settle for the immersion program in the absence of a Francophone school; others cite the proximity of an English-language school that offers an immersion program. Sustained efforts will be needed to improve access to French-language minority schools in the coming years.

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[17] Section 23 of the *Canadian Charter of Rights and Freedoms* sets out the three categories of parents whose children are eligible to receive instruction in the minority language of a province or territory. The term "eligible student" refers to a child whose parent is a citizen of Canada and (i) whose first language learned and still understood is that of the linguistic minority population, or (ii) who has received his or her primary school instruction in a province where the language in which he or she received that instruction is the language of the linguistic minority population, or (iii) of whom any child has received or is receiving primary or secondary school instruction in Canada in the language of the minority.

[18] Statistics Canada, *Minorities Speak Up: Results of the Survey on the Vitality of Official-Language Minorities* (Ottawa, December 2007), p. 50.

In terms of the Anglophone community in Quebec, the survey shows that only 49% of students who have at least one Anglophone parent attend an English-language minority school. The percentage increases to 70% when both parents are Anglophone. This situation provides little consolation for English school boards that are concerned about a decline in enrolment in the next few years. In fact, in some areas, the exodus of Anglophones from Quebec and the aging population sometimes make it more difficult to maintain the number of eligible students needed to keep English-language schools open.

According to Patricia Lamarre,[19] the members of Anglophone communities place an increasing amount of importance on knowing French, especially for their children. It should, therefore, not be surprising that, among the country's Anglophones, young Quebec Anglophones are the most bilingual. For these communities, full participation in Quebec society hinges on learning French in school. This new way of seeing French as an added value partly explains the boom in French-language schools and immersion programs. In this context, it is even more important to support English-language schools in their efforts to offer sound programs for learning French. The result will be more competitive participants in the public and private sector job markets.

Success story: Community learning centres[20]

One of the biggest success stories for Quebec's Anglophone community has been the establishment of 22 community learning centres. These centres create lasting ties between the community and the school network. In addition, participating communities are linked via videoconference, which ensures that a broader range of programs is available to the public.

The objective of the Action Plan in terms of **second-language instruction** was to double the proportion of young Canadians between 15 and 19 years of age who are bilingual. Under the Plan, approximately half of this segment of the population should be bilingual by 2013. Progress has been slow in this regard. According to data from the 2006 census, only 22.3% of young Anglophones and Francophones between 15 and 19 years of age declare themselves bilingual, a drop of about 2% compared to the 2001 census. Can this decline be attributed to federal and provincial budget cuts in the 1990s? It is difficult to say. However, it is clear that the gap between the 2013 target and the current situation is significant and efforts must be reinforced. This observation is even more relevant given that the Canadian public appears to be generally in favour of improving second language programs.[21] When **Canadian Heritage** held online consultations[22] on the renewal of the Action Plan, participants' comments supported that view: Canadians want the opportunity to learn both official languages. It is essential that the federal government continue to work with the provinces and territories to enhance this component in the next Action Plan. Mr. Lord recommended in his report that the government place more emphasis on education in the next initiative. He also recommended that linguistic duality be promoted by enhancing second-language instruction.

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[19] Patricia Lamarre, "English Education in Quebec: Issues and Challenges," in Richard Y. Bourhis, ed., *The Vitality of the English-speaking Communities of Quebec: From Community Decline to Revival* (Montréal: CEETUM), pp. 61–84.

[20] **www.learnquebec.ca/en/content/clc**

[21] Office of the Commissioner of Official Languages. *The Evolution of Public Opinion on Official Languages in Canada* (Ottawa, September 2006). Study of the results of a telephone survey conducted by Decima Research Inc. in February 2006 based on a sample of 2,000 respondents aged 18 and over.

Success story: Second-language instruction

The Council of Ministers of Education, Canada, set up a working group to look at the possibility of developing a common framework for languages in Canada. The project is based on the *Common European Framework of Reference for Languages*, a tool for setting clear standards to be attained at successive stages of language learning and for evaluating outcomes in an internationally comparable manner, based on six levels of reference. The project has the support of the Canadian Association of Second Language Teachers, which is of the opinion that the use of such a framework could facilitate interprovincial and territorial dialogue, encourage cooperation and resource sharing among educational authorities, and promote educational and occupational mobility across Canada.

Second axis: Community development

Community development includes health, early childhood education, justice, immigration, economic development and literacy.

Success story: Health in Alberta

Because of the financial support of the Société santé en français, Edmonton's Francophone community can now benefit from the services of the Saint-Thomas Community Health Centre. Open since the fall of 2007, the Centre provides seniors with a complete range of services under one roof and also houses a clinic that provides primary health care and other specialized services.

In February 2008, the University of Alberta's Campus Saint-Jean granted its first degrees to graduates of the bilingual bachelor program in nursing. This program was the result of the joint work of the Campus Saint-Jean and the University of Alberta's Faculty of Nursing, and a significant contribution from the Consortium national de formation en santé.

These two initiatives are complementary because the Saint-Thomas Community Health Centre will hire graduates of the new bachelor program at Campus Saint-Jean.

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[22] For more information on these consultations, see the Department's Web site at **www.pch.gc.ca/pc-ch/consultations/lo-ol_2007/index_e.cfm**.

If there is one area where the Action Plan was an outright success, it was in **health services** in the language of the minority. The funds invested in the Action Plan made it possible to set up 17 health networks, most of which have become official representatives of provincial governments in French-speaking communities. The efforts of the Consortium national de formation en santé have resulted in a spectacular increase in the number of Francophone recruits in the health professions. Also thanks to the Action Plan, English-language health networks in Quebec, working with McGill University, have succeeded in creating training programs to accredit French-speaking health professionals so they can provide services in English. The health networks are also focusing on the retention of English-speaking staff in Quebec, by providing them with the means to maintain their knowledge of French. All these efforts are bearing fruit. However, to move to the next stage, which comes after needs are expressed and structures are created, increased investments will be needed.

Success story: Health

A few years ago, 10 colleges and universities came together to form the Consortium national de formation en santé with a view to training more health professionals capable of working in Francophone minority communities, as well as establishing a solid base of research on health in French-speaking Canada. The Consortium set an objective of welcoming 2196 new students and granting 1144 degrees between 2003 and 2008. Based on the evaluations in the 2006–2007 annual report of the Consortium, its advertising campaigns targeting young people have been effective because 2135 new students enrolled in member institutions and 574 of them graduated during the period in question. If this trend continues, the Consortium can expect to reach or exceed its goals.

Early childhood education is one of the areas that saw some positive results, although not very strong, over the course of the Action Plan. The objective was to create daycare and kindergarten programs in minority community schools. The Commissioner notes in particular the key role played by the Commission nationale des parents francophones (CNPF) in defending the interests of young children and in serving as a catalyst for joint action by parents. Working with **Human Resources and Social Development Canada**, the CNPF unveiled a national framework for cooperation in June 2007. The framework sets out a common vision of early childhood education in Francophone minority communities and clarifies the roles of a long list of partners and stakeholders. However, major challenges still lie ahead for early childhood services, including a severe shortage of French-language daycares. Many Francophone parents who would like to put their children in daycares that are adapted to their linguistic and cultural reality have problems doing so. Also, French-language primary schools are finding it difficult to increase the enrolment numbers of young Francophones because of the lack of early childhood services in French. The federal government therefore must pay more attention to the provision of these services. It is particularly well placed to support the CNPF's vision and to provide the necessary resources to carry it out. For their part, parents' networks must continue to communicate their needs clearly to the various levels of government that are involved in early childhood education.

Success story: Early childhood education

The Cadre national de collaboration en développement de la petite enfance francophone en contexte minoritaire au Canada brings together 13 groups that are working to improve the lives of young French-speaking children, under the leadership of the Commission nationale des parents francophones. This framework is a concrete example of a multilateral partnership and draws on new knowledge about early childhood development and the United Nations Convention on the Rights of the Child. It provides a common vision of development, and sets out the roles of the various partners.[23]

The Commissioner is satisfied with the activities undertaken to achieve the Action Plan's objective of improving **access to justice** in both official languages. The Access to Justice in Both Official Languages Support Fund has increased the capacity of French-speaking lawyers' associations to play a role in educating and informing the official language communities and building federal and provincial partner networks. The Fund has also made it possible to establish three advisory committees, including the Advisory Sub-Committee on Access to Justice, which brings together the key stakeholders of the Anglophone and Francophone communities affected by this issue.

According to the 2006 formative evaluation, the activities and projects supported by the Fund made it possible to raise awareness among legal officers, communities and the general public on the issue of justice in both official languages. The evaluation report noted the lack of visibility of the Fund within Quebec's English-speaking community and the fact that the Fund is not adequately meeting that community's needs. However, the QCGN is considering a survey to determine the needs of Anglophones in matters of justice. The results will allow Quebec's English-speaking community to identify optimal strategies and therefore make use of support provided by the Fund.

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[23] For more information on this success story, see the document published by the Table nationale en développement de la petite enfance francophone, available on the Web site of the Commission nationale des parents francophones at **http://cnpf.ca/documents/Cadre_national_collaboration_DPE.pdf** (in French only).

At the meeting of the Advisory Sub-Committee on Access to Justice in November 2007, **Justice Canada**, basing itself on the Support Fund evaluation report and the comments of participants, proposed that the Fund be maintained and that a justice training consortium be established. The objective of the consortium would be to make bilingual resources available to the judicial system so that Canadians could receive services in either official language. The Commissioner supports the proposed consortium, which would target the training of students who will undertake a career in the legal field, the professional development of those already working in the legal system, the development and promotion of tools, and recruitment.

Success story: Justice

Bilingual Crown attorneys and others working in Ontario's criminal justice system can now take professional and language training in French at the new French Language Institute for Professional Development. The Institute was created by the Federal-Provincial-Territorial Task Force on Access to Justice in Both Official Languages in partnership with the Ministry of the Attorney General of Ontario. The Task Force is now considering the creation of a network of bilingual attorneys across Canada.

Under the Action Plan, $9 million was given over five years to foster **immigration** to Francophone communities and retain French-speaking immigrants. The Commissioner was pleased that **Citizenship and Immigration Canada** launched its strategic plan in September 2006; however, there is still no specific funding attached to it. The Department states that funding will come from the operating budgets of its settlement services, but there is reason for concern. In many provinces, there are basically no services to welcome French-speaking immigrants and work in this area has yet to begin. Over the coming years, the Department will have to support the activities of the steering committee for Francophone immigration, whose role is essential if progress is to be made. The provinces must also direct a reasonable share of federal transfers to the Francophone communities so that these communities can organize and provide services in French. Finally, the Commissioner supports the idea of concentrating efforts on official language communities that want to move forward on immigration.[24]

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[24] For more information on immigration, see Chapter II, page 60.

Success story: Immigration

In October 2002, the Francophone minority community in Manitoba met to find ways to attract more French-speaking people to the province. At the same time, the provincial government was exploring measures it could take to increase the population. Together their efforts bore fruit. In 2005, the province welcomed 10,000 immigrants, a remarkable increase compared to the annual average of 3,500 that the province had seen up to 2003.

As for the English-speaking community in Quebec, the QCGN presented a brief to the National Assembly's special commission on immigration in October 2007. Some 25% of the English-speaking community was born abroad and, historically, immigration has played a fundamental role in shaping this community.

The Anglophone community understands and supports the need for new arrivals to speak French as a necessary step towards successful integration. Nevertheless, the QCGN feels that English-speaking immigrants can adopt the French language while maintaining their identification with the English-speaking community. The QCGN has therefore indicated its willingness to work with government institutions in the recruitment and integration process for new arrivals.

Clearly, **economic development** plays a leading role in enhancing the vitality of official language communities. Above all, the Action Plan targeted three aspects of employability in the communities: the ability to participate in the knowledge economy, internships and online training, and improved access to existing economic development programs. Yet the Commissioner presents a somewhat mixed portrait of the progress that has been made in this area of activity. On the one hand, the beneficial effect of certain strategies is undeniable. For example, funding for the Réseau de développement économique et d'employabilité (RDÉE) and the Community Economic Development and Employability Committees (CEDECs) was stabilized by the Enabling Fund, to which $36 million was allocated over three years starting in 2005. On the other hand, the measures that were taken do not appear to be anchored in a comprehensive, long-term vision, which leads the Commissioner to characterize the efforts in this area as piecemeal. Given the crucial role these organizations play in the communities, it would only be natural to renew their funding for a longer term so that they can implement their strategic plans.

The first years of the Action Plan gave rise to great hopes in the area of literacy in the minority language. The Office of **Literacy** and Essential Skills (formerly National Literacy Secretariat) at **Human Resources and Social Development Canada** got the process off to a good start by setting up structures for a variety of community projects. However, budget cuts in 2006 slowed the work of the organizations supervising the implementation of these initiatives. All the same, the Fédération canadienne pour l'alphabétisation en français (FCAF) reports satisfactory progress on family literacy. Action Plan funding was used to train literacy workers, increase the number of service points and launch a national campaign to raise awareness about reading together as a family. In March 2008, the FCAF held a national conference on family literacy. Manitoba and New Brunswick have been particularly active in this area and have initiated numerous activities related to literacy. The FCAF feels Action Plan funding made it possible to establish the groundwork for concerted national action on literacy, but a great deal of work remains to be completed. Numerous studies have found higher illiteracy rates among Francophones (both inside and outside Quebec) than among Anglophones.[25] To deal with this problem, additional funds will be needed.

Success story: Literacy

Every year, with the support of Canada Post and funding from the Action Plan, the Fédération canadienne pour l'alphabétisation en français distributes hundreds of thousands of bookmarks to mark Family Literacy Day on January 27. These bookmarks encourage parents to read with their children. The Federation distributes the bookmarks in January to most French schools across Canada as well as to literacy centres and public libraries.

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[25] Lynn Barr-Telford, François Nault and Jean Pignal, *Building on Our Competencies: Canadian Results of the International Adult Literacy and Skills Survey* (Ottawa: Statistics Canada and Human Resources and Skills Development Canada, November 2005). See also Jean-Pierre Corbeil, *The Canadian Component of the 2003 International Adult Literacy and Skills Survey (IALSS): The Situation of Official Language Minorities* (Ottawa: Statistics Canada, December 2006).

Third axis: The public service

The third component of the Action Plan deals with communications and service delivery, language of work and the participation of English-speaking and French-speaking Canadians in the federal public service.

The objective of this component was to increase bilingualism rates among public servants and improve the quality of bilingual services. With the exception of the awareness campaign carried out by the **Canada Public Service Agency**,[26] the Action Plan's performance in this area is disappointing. The Commissioner has highlighted numerous systemic problems that persist within federal institutions. As mentioned previously, the government's efforts to improve implementation of the Act in institutions has been slowed by the 2006 budget cuts, in particular by the elimination of the Innovation Program. This program was established under the Action Plan, and through the support it provided to regional federal councils, it led to the creation of a large number of initiatives related to bilingualism in the public service across the country. The elimination of the program considerably reduced federal institutions' enthusiasm for finding solutions to chronic problems. In addition, the Agency itself was subject to budget cuts, which complicated its task of overseeing bilingualism.

Success story: Looking at official languages from the right angle

The Quebec Federal Council held its bi-annual development conference on public service renewal November 15 and 16, 2007, in Québec City. The organizing committee was determined to make this important event both respectful of the *Official Languages Act* and one where all participants felt equally comfortable in their official language of choice. One of the greatest successes of the conference was the innovative approach in which it was organized. The conference was held in a bilingual format, but in a non-traditional way, as opposed to a strict, "by the book" approach: it pushed the concept of a bilingual conference beyond the minimalist (and often restrictive) formula of translated materials and an interpretation booth. Hosted in an impeccable and seamless French and English format by well-known Quebec media personality Christopher Hall, the conference demonstrated how major events can become showcases for linguistic duality within the federal public service in the regions. It also showed that federal organizations can truly benefit when they allow themselves to go beyond the minimum requirements contained in the letter of the Act and bring equal attention to the spirit of the Act.

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[26] For more information on the Canada Public Service Agency's awareness campaign, see the Agency's Web site at **www.psagency-agencefp.gc.ca/ollo/campaign-campagne/index_e.asp**.

We have literally seen a return to the starting gate in this area because the situation remains unchanged. In March 2008, the House of Commons Standing Committee on Official Languages presented a report[27] on the "public service" component of a future action plan. The Committee made 17 recommendations, and the Commissioner calls on the government to give them serious consideration.

Success story: The public service

In 2005, the **Public Service Human Resources Management Agency of Canada** (which later became the **Canada Public Service Agency**) launched an interesting initiative: the Forum on Official Languages Good Practices. Each year, the Forum allows federal institutions to pool their best practices on service to the public, language of work, advancement of English and French, and support for official language minority communities.[28]

Fourth axis:
The language industry

The Action Plan stated that the language industry (translation and interpretation, language training and language technologies) could play a major role in fostering linguistic duality and increasing bilingualism in Canada. Yet for many years now, the industry has been grappling with a serious workforce shortage. The Action Plan therefore provided $10 million over five years to accelerate the recruitment of future language professionals and help the sector improve its image and strategically position itself on the world stage. This injection of funds led to the creation of the Language Industry Association (AILIA), which has been working to structure the network of language professionals in Canada and develop a technology strategy. AILIA also looks at potential partnerships and approaches for remedying the shortage of translators—a major issue for the future of a bilingual country. The Commissioner hopes that the next action plan will allow the Association to continue its work.

The Action Plan also led to the creation of the Language Technologies Research Centre by allocating $10 million over five years. Located in Gatineau (Quebec), the Centre carries out research and development in the area of tools and software to assist in translation.

According to the Action Plan's midterm report[29] published in 2005, the Centre was to house 150 researchers and specialists. While the reality falls far short of this objective, several promising projects are under way. Research and development in this area requires a large amount of time and major funding. The government must continue its support, especially since it coincides with the government's current strategy to rely on technological research and the commercialization of research results. Mr. Lord also underlined the importance of this sector for the advancement of linguistic duality in Canada.

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[27] House of Commons Standing Committee on Official Languages, *Leading by Example: Bilingualism in the Public Service and Renewal of the Action Plan for Official Languages*, third report of the Standing Committee on Official Languages, 39th Parliament, 2nd Session (Ottawa, March 2008).

[28] For more information on this success story, see the Canada Public Service Agency's Web site at **www.psagency-agencefp.gc.ca/ollo/forum/gp-bp-2006/summary-resume_e.asp**.

[29] For more information on the midterm report, see Canadian Heritage's Web site at **www.pch.gc.ca/pc-ch/consultations/lo-ol_2007/03_e.cfm**.

Success story: The language industry

The Transcheck-2 project of the Language Technologies Research Centre aims to create software that detects translation errors (technical terms, proper names, numerical expressions, Gallicisms and inappropriate literal translations), omissions and the insertion of additional material. The software analyzes a translated text and generates an information report that enables the translator to correct the errors that are detected and thus improve the quality of his or her work at greater speed and lower cost.

A 2006 study[30] by the government aimed to better understand the economic structure, key trends and economic benefits of the language industry. It highlighted the strong growth of this industry in Canada, in particular among language training companies in British Columbia. The economic potential and the shortage of skilled workers are good reasons to invest in this sector.

The *Official Languages Accountability and Coordination Framework*

Throughout 2007, there was much talk about the new action plan and the need to maintain the *Official Languages Accountability and Coordination Framework* in order to identify the responsibilities of the institutions involved and define horizontal coordination mechanisms.

The Action Plan 2003–2008 demonstrated the merit of a comprehensive initiative that unites a large number of institutions around common goals and that involves community input. Many see such a plan as vital for not only ensuring the horizontal governance of official languages, but also enhancing the vitality of the official language communities and promoting linguistic duality.

The Commissioner stresses the need to revise the *Official Languages Accountability and Coordination Framework*, which accompanied the Action Plan, in order to reflect the new obligations under Part VII of the Act as well as any other recent changes that have been made to official languages governance.

In 2006–2007, the Commissioner recommended:

"that the Minister for Official Languages review the *Official Languages Accountability and Coordination Framework*, not only in light of the changes made to official language governance, but also to better reflect the obligations and responsibilities of federal institutions following the legislative amendments of November 2005."

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[30] Statistics Canada, *Survey on Language Industry in Canada: translation, interpretation and language training*, Canada, 2006.

The Commissioner's other expectations

In his report, Bernard Lord made 14 recommendations and highlighted four sectors that he considers essential for community vitality: education, health, immigration and arts and culture. The Commissioner agrees that these sectors must remain at the heart of the Action Plan and is particularly pleased with Mr. Lord's recommendation to include arts and culture, a recommendation the Commissioner made in his 2006–2007 annual report. However, the Commissioner notes with regret that other important sectors, such as literacy, early childhood education and access to justice in the official language of one's choice, are not mentioned. The official language minority communities and the House of Commons Standing Committee on Official Languages have already clearly stated the importance of these key sectors for community development, and the Commissioner sincerely hopes these issues will have their place in the future initiative. The little attention given in Mr. Lord's report to bilingualism in the public service and service in both official languages must also be noted.

The results of the latest census and the post-censal survey, made public in December 2007, shed new light on issues of concern that are already well known to these communities. For Francophones, aside from the matter of access by eligible students to French-language schools, there are the issues of their reduced demographic weight and the rate of language transfer to English. Meanwhile, Anglophones in Quebec are rightly concerned about the exodus of their young people to other provinces, access to health services in English, job prospects and opportunities for learning their second language so as to be able to fully participate in Quebec society. The new Action Plan must tackle these issues head-on.

The Commissioner has also expressed a wish on several occasions to see more emphasis placed on promoting linguistic duality to the public, especially young people and newcomers. He also reiterated the importance of young people learning their second official language and the benefits of learning about the culture associated with that language. For members of the majority, learning their second language and its culture is an ideal way to build bridges with the official language communities. The government's new initiative must set out priorities for intervention in this respect.

Finally, enhancing the vitality of official language communities increasingly depends on actions taken by the provinces and territories in education, health and immigration. The Commissioner was pleased to hear the provincial ministers of Francophone affairs declare, last September, that they fully supported the renewal of the Action Plan 2003–2008.

The Commissioner therefore calls on the government to reveal its true intentions on the next phase of the Action Plan as soon as possible.

HORIZONTAL GOVERNANCE AND COORDINATION

Although they carry out specific mandates and set their own priorities, all federal institutions share statutory obligations regarding official languages.

Given their common responsibilities, federal institutions are all required to implement the Act and work together on files related to official languages. Consequently, a certain amount of consistency must be promoted when implementing policies and programs that are the responsibility of various institutions—hence the expression "horizontal governance."[31] Over the years, institutions have established mechanisms and practices that characterize the relationships they maintain.

In February 2006, the federal government made major changes to the official languages governance structure. The support role in coordinating official languages, previously entrusted to the **Privy Council Office**, was transferred to **Canadian Heritage**, among other changes. A number of well-informed observers have expressed concern regarding the transfer and the consequences it could have on the horizontal management of official languages.

This is the case with the Senate Standing Committee on Official Languages, which questioned the impact of this change on public administration, in the report it tabled on May 8, 2007 on the relocation of head offices.[32] The Committee therefore recommended that the Commissioner address the issue by analysing changes in official languages governance and make recommendations to improve the horizontal coordination of government action in this area.

The Commissioner agreed to examine this issue more closely and turned to Professor Donald Savoie, a well-known expert in public administration. Professor Savoie was mandated to study the current status of horizontal governance in official languages and provide practical advice.

The current structure of horizontal governance in official languages

Official languages governance is mainly structured around the Act, under which can be found a regulation, implementation mechanisms, policies and various types of directives.

The Act clearly states that **Canadian Heritage** and the **Treasury Board Secretariat** are responsible for coordinating government action and reporting to Parliament on behalf of the government.

The *Official Languages Accountability and Coordination Framework*[33] is one of the horizontal coordination mechanisms that these departments can use. Stemming from the Action Plan 2003–2008, this document explains the role and responsibilities of federal institutions in implementing their official languages obligations. Departments can also use the *Horizontal Results-based Management and Accountability Framework*[34] as a guide. Presented in the 2005 midterm report of the Action Plan 2003–2008, the Horizontal Framework reaffirms the need to set up an effective interdepartmental coordination structure so all federal institutions can fulfill their obligations.

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[31] Horizontal governance is also defined as the management of public programs that are delivered by more than one organization and whose consistency must be ensured.

[32] Senatorial Standing Committee on Official Languages, *Relocation of Head Offices of Federal Institutions: Respect for Language Rights* (Ottawa, May 2007).

[33] For more information on the *Official Languages Accountability and Coordination Framework*, see Canadian Heritage's Web site at **www.patrimoinecanadien.gc.ca/progs/lo-ol/legislation/bill_S7_e.cfm**.

[34] For more information on the *Horizontal Results-based Management and Accountability Framework*, see Canadian Heritage's Web site at **www.pch.gc.ca/pc-ch/consultations/lo-ol_2007/03_e.cfm**.

In addition, a number of committees were set up at various decision-making levels to translate the government's approach toward official languages into action. In the past, some committees included ministers, and others consisted of deputy ministers. Today, there is only one official languages committee, whose members are assistant deputy ministers.

Furthermore, senior management in federal institutions includes champions who promote all aspects related to official languages. Many institutions have also appointed national coordinators for Part VII, and this network is coordinated by **Canadian Heritage**.

At the head of the administrative structure, the Minister for Official Languages oversees the horizontal coordination of this file. From 2001 to 2006, the Minister for Official Languages was able to count on administrative support from the Official Languages Secretariat at the **Privy Council Office**. As previously mentioned, the Official Languages Secretariat created by **Canadian Heritage** has been carrying out this function since February 2006.

Horizontal governance: Principles to keep in mind

Major public policy issues usually go beyond the mandate or jurisdiction of a single institution. Governments are thus forced to address the issue of horizontal management. However, in Canada and abroad, many practitioners and theorists have proposed ways of strengthening the horizontal management of government administrations. Unfortunately, there is no magic solution.

Many proponents of horizontality criticize the tendency of institutions to work in isolation. This should not be surprising in certain cases because public administrations conduct their activities according to each institution's respective mandate. Nonetheless, public administrations are mainly evaluated according to their ability to carry out specific functions and minimize duplication.

Although there is social, political and even administrative pressure to implement horizontality, federal institutions do not naturally tend to do so. This is partly explained by the fact that accountability in the public service is primarily a bottom-up process. Each administrative unit must report to a higher level. Also, inter-institutional relations are more often affected by competition—to obtain a larger share of public funds—than by a true willingness to cooperate.

As a result, there are significant constraints for horizontal management in modern public administrations. These obstacles must be overcome if a new management philosophy is to take root.

Two main factors facilitate cooperation among institutions to achieve government-wide objectives. First, there must be a clear, strong and sustained commitment from the political executive (i.e., the Prime Minister, the Prime Minister's Office and the Cabinet), and second, an administrative system that has all the necessary tools to carry out this commitment is needed.

A political commitment cannot be fulfilled without solid administrative support, which raises the following question: Who should be given the administrative responsibility of promoting horizontality? A central agency or a department?

Central agencies are often in a better position to promote horizontality in the public service because they have a mandate to oversee policy development across the government. They can also exercise considerable influence on institutions' work. Central agencies, in particular the **Privy Council Office**, "play an important role in horizontal issues management particularly in clarifying the relationships among ongoing initiatives, in establishing priorities, and in managing the policy load of departments."[35]

However, the federal government's central agencies are not infallible because they often lack the sectoral expertise of the institutions and tend to avoid the responsibilities related to program implementation. Their main role is usually to objectively assess different public policy options and to advise the executive. As a general rule, they have no regional offices, which removes them considerably from the reality of the communities.

This vision of a central agency's role may explain the decision to transfer the Official Languages Secretariat from the **Privy Council Office** to **Canadian Heritage**. Although no explanation was given at the time of the transfer, this decision seems to be in line with the opinion expressed by the Clerk of the Privy Council that central agencies should not manage programs or policies.

The fact remains that, for the Commissioner and other observers, this transfer demonstrated a weakening of political will to ensure a horizontal coordination of official languages and put in place the means required for this coordination. The decision has had a snowball effect in the public service. According to the Commissioner, the government sent the message that official languages were no longer a priority.

There are also inherent limitations regarding the promotion of horizontal objectives by institutions. Under the government hierarchy, institutions are all on an equal footing. As a result, they are less likely to manage a file whose scope extends across the government as a whole. Moreover, Professor Savoie emphasizes that it is difficult for an institution to rise above the others to play a coordination role. Rivalry is such that other institutions could see it as a form of unfair competition. In addition, institutions could tend to leave the organization in charge of horizontal coordination to "deal with the problem" and go about their own business.

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[35] Privy Council Office, *Managing Horizontal Policy Issues* (Ottawa, December 1996), pp. 11–12. Report prepared by the deputy ministers' task force.

Professor Savoie points out that a certain amount of back-and-forth in decisions related to horizontal governance should not be surprising. Governments always proceed by trial and error to find solutions for coordinating files better.

While recognizing the inherent limits of horizontal management from the point of view of institutions and central agencies, one can only conclude that horizontality will be an ongoing challenge for the government. In fact, there is no universal model for horizontal governance, but rather a variety of approaches that are tailored to each specific situation. However, the Commissioner would like to point out that official languages clearly stand out from other horizontal issues because all federal institutions must fulfill common obligations and this issue is related to fundamental values and national unity. Since each federal institution has the same obligations, greater coordination would be appropriate to collectively achieve better results for Canadians and official language communities.

Understanding the current coordination of horizontal governance

Canada's official languages program is a particularly useful example for the study of horizontal management. It illustrates both the intrinsic strengths and weaknesses of this management practice.

Let us list its main strengths. The strengthening of Part VII of the Act in 2005 requires all federal institutions to fully implement the objectives related to the development of official language communities and the promotion of linguistic duality in Canadian society, thereby reaffirming the horizontal nature of official languages. The most recent Speech from the Throne also gave the impression that the government intends to continue its commitment to the *Action Plan for Official Languages* and, at the same time, its horizontal management of the file.

Professor Savoie's study revealed another strength. As part of his consultations with senior public servants, he observed a firm commitment to official languages. There appears to be a general consensus among public servants that federal institutions must take the appropriate measures to meet the objectives of the Canadian official languages policy. Some public servants recalled all that has occurred since 1969, both in the public service and in Canadian society, pointing out the impressive range of horizontal coordination mechanisms and tools available compared with other areas of public policy—and they are right. Nevertheless, there is still a lot of work to do.

While the fall 2007 Speech from the Throne and budget statement stirred up a certain amount of hope with respect to the future of the Action Plan, some of the respondents interviewed by Professor Savoie as part of his consultations said that they have seen less leadership since the responsibility of coordinating official languages was transferred from the **Privy Council Office to Canadian Heritage**. Most respondents felt that renewed support was needed in this respect, especially in light of the government's decision to launch a new action plan.

Considering these observations, the Commissioner wishes to see renewed efforts to strengthen the horizontal governance of official languages. Given that linguistic duality is at the core of Canadian unity and is a fundamental Canadian value, the promotion of linguistic duality cannot be put on autopilot.

The Commissioner is therefore making recommendations to both political and administrative leaders that involve the role the Official Languages Secretariat plays as a coordinating body.

As Professor Savoie points out, political leadership is part and parcel of good horizontal governance. Without a political will that is clearly communicated throughout the government, the results would be like the cacophony of an orchestra trying to tune up, except the musicians cannot hear each other.

RECOMMENDATION

The Commissioner recommends that the Prime Minister:

a) create an ad hoc committee of ministers, chaired by the Minister for Official Languages, to oversee the full implementation of the new action plan and language requirements within all federal institutions;

b) ensure Cabinet, supported by the Official Languages Secretariat, reviews official languages matters at least once a year;

c) ensure the Official Languages Secretariat is given the authority it needs to fulfill a horizontal coordination role in order to implement the *Official Languages Act* in its entirety.

In light of the role it already plays with respect to the *Action Plan for Official Languages*, the Official Languages Secretariat should, in cooperation with the **Privy Council Office**, support the Cabinet and the Ad Hoc Committee of Ministers. A number of aspects of the current context could be reviewed by Cabinet, including the implementation of the Action Plan, the question of positive measures and official languages in the public service.

Professor Savoie noted another weakness. Official languages are not currently given the attention they deserve in the accountability agreements of deputy ministers. These agreements refer to the Management Accountability Framework and leadership competencies which cover delivery of services to the public and the capacity to meet this requirement while allowing employees to work in the official language of their choice. Nevertheless, despite the recent amendment to the Act, deputy ministers are not held responsible for their departments' activities regarding the promotion of linguistic duality and the vitality of official language communities. In order to send a clear message to the federal public service about the importance that the government places on official languages, deputy ministers must be held accountable for results.

RECOMMENDATION

The Commissioner recommends that the Clerk of the Privy Council ensure deputy ministers' annual performance reviews include efforts to implement the *Official Languages Act* in its entirety, especially Part VII.

Professor Savoie's analysis also revealed other weaknesses. Many public servants seem tired of supporting the administrative red tape stemming from the number of reports produced by institutions in relation to the implementation of the various parts of the Act. The requirements have become a burden that impede, rather than promote, interdepartmental cooperation. Instead of fostering the achievement of real results, this situation encourages a culture of report writing. In addition, some tools have yet to be harmonized with the current official languages policy.

Consequently,

RECOMMENDATION

The Commissioner recommends that the Minister for Official Languages give the Official Languages Secretariat the mandate of reviewing the official languages accountability and reporting requirements to simplify the process and, above all, strengthen the focus on results.

Such a study could be conducted by the Official Languages Secretariat in cooperation with other institutions that play a key role in managing the official languages program. The study should analyze the reports produced by institutions for Parts IV to VII of the Act.

Canadian Heritage must do all that it can to ensure that the Secretariat has greater visibility and a stronger presence within the government machinery in Ottawa, under the leadership of the Minister and senior departmental officials. Some of the recommendations are intended to give the Official Languages Secretariat greater visibility, and the government may have additional ideas. The goal is to enable the Secretariat to adopt a considerably broader perspective, rather than simply focusing on the Action Plan or the Department. The other departments and agencies should view the Secretariat as having a government-wide mandate.

Lastly, as mentioned previously, official languages are an ideal file for the study of the merits of horizontal governance. The work of the Official Languages Secretariat could serve as a testing ground for studying the strengths and weaknesses of horizontal governance. A study or pilot projects could give rise to innovative ideas that meet both language obligations and horizontal and vertical accountability requirements within the public service.

PUBLIC SERVICE RENEWAL

The federal public service is at the front lines of the implementation of the federal official languages policy. Canadians see the public service as the face of the federal government. As a result, the government's commitment to Canada's linguistic duality is often clearly and concretely translated through the public service.

The public service is currently facing major challenges. More than half of federal government employees are between 45 and 64 years of age, which implies a large number of them will be retiring in the coming years. In addition, the federal public service must meet the increasingly higher expectations of Canadians who demand efficient services, sound management and accountability. The public service must also better reflect Canadian diversity and the members of visible minorities who are part of this diversity.[36] On top of these challenges, competition with the private sector to attract the best candidates is intensifying and technology is changing the way things are done.

The federal public service must therefore adapt to maintain its place in an ever-changing society. And the government is working to make sure that happens.

An aging public service

The average age of federal public servants is 45, five years older than in 1990. The average age of senior managers in the public service is 50. The average age of new senior managers is 46.

Although the separation rate is generally low in the public service compared with the private sector, retirements are expected to peak around 2013 and gradually decrease thereafter.

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[36] The proportion of members of visible minorities in the public service is lower than their labour market availability, according to the Public Service Commission's 2005–2006 annual report, pp. 103–104.

The Clerk of the Privy Council has set four major priorities for the renewal of the public service:

- Increase human resources planning activities in federal departments and agencies;
- Improve activities related to the recruitment of new employees;
- Enhance employee development;
- Modernize administrative processes and systems related to human resources.[37]

In addition, the government has set up two committees to support the renewal process: the Deputy Ministers' Committee on Public Service Renewal, under the aegis of the **Privy Council Office** and the Advisory Committee on the Public Service, is an external committee set up by the Prime Minister in November 2006.

> **"[...] we believe that the renewal of Canada's Public Service should reflect a renewed commitment to fulfilling the obligations of the *Official Languages Act,* both in terms of service to the public and language of work inside government. A national institution must be fully respectful of national values."**
>
> First report by the Advisory
> Committee on the Public Service,
> March 2007

Over the course of the last year, the Commissioner followed the work of the two committees with interest and often expressed his opinion on the place of official languages in the public service renewal process. His message is unequivocal: Linguistic duality is a fundamental value of the public service and bilingualism is a key component of its leadership. These two principles are essential to a contemporary, efficient public service that reflects Canadian values.

Thoughts and perspectives

Clearly, progress has been made on official languages since the adoption of the *Official Languages Act* in 1969. The level of bilingualism in the federal government has increased substantially, the proportion of Francophones in the public service is much more representative than it was during Lester B. Pearson's time and a greater number of Anglophone public servants have learned French over the years as a result of language training provided by the government.

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[37] For more information on public service renewal, see the Canadian Public Service Agency's Web site at **www.psagency-agencefp.gc.ca/PSR-RFP/psrenewing-renouvelerfp_e.asp**

Success story: Promoting official languages

A video created during the Official Languages Week, that was organized by the New Brunswick Federal Council's Official Languages Committee, shows impressive testimonials from Council members about what linguistic duality means to them. Most of these leaders see linguistic duality as a value rather than an obligation, and their knowledge of the other official language has helped them discover a completely different culture. The video also shows a simulation of a bilingual meeting to remind viewers of the basic principles to be followed when conducting this kind of meeting. The Official Languages Committee received a number of positive comments from viewers. In short, this is an excellent tool for promoting official languages.

Despite the progress made, however, English still dominates as the language used in most federal offices outside Quebec. Anglophone participation in Quebec remains a challenge. Over the years, the Office of the Commissioner has repeatedly pointed to chronic problems in the government machinery, particularly in relation to communications with the public, service delivery and language of work. Cultural institutions aside, government policies, programs and activities are largely developed in English and the majority of oral and written communications are in English. At all levels of government, there is a strong tendency to speak English, and many Francophone public servants feel obliged to speak their second language to make themselves understood.

In addition, a number of government employees seem to be under the false impression that linguistic duality and bilingualism are Francophone issues. This misconception persists because the public service still has a lot of work to do to fully integrate linguistic duality into its organizational culture.

Why is this? Why, after so many years of hard work, are official languages not more firmly entrenched in the culture of federal institutions?

Despite all the efforts to make linguistic duality an integral part of the public service, little emphasis seems to have been placed on the cultural values associated with the second official language.

Official languages policy has basically become a question of communication: communication with the public and among public servants. In this context, the emphasis has above all been placed on obligations and the requirements to be met. Although this approach produces individuals who can communicate in both official languages, it does not seem to lead to a significant increase in the use of the second language, nor does it foster the creation of a bilingual culture within federal institutions. How many senior managers have said, after passing their language test, that they would most likely not use their recently acquired language skills in the workplace? How many others have said that they have no opportunity to speak French in the workplace in the National Capital Region, where Francophones make up 41% of the workforce and as a result French is widespread? Why is there so little pride associated with using one's second official language? Could it be because of a rigid learning environment marked by language obligations and requirements?

Whatever the answer, the current language requirements-based approach does not produce second-language users, which unfortunately means that the public service does not truly embody the values of linguistic duality.

There is nothing wrong with the current approach in and of itself. However, it is now known that if it is not based on the more fundamental values that give it legitimacy and encourage a stronger commitment, this approach will not be enough to achieve the goals the government has set for itself. One must go beyond simply knowing the language and discover the cultural values of the two language groups. At its core, learning and using a second language should be seen as an advantage that is provided by society and that is returned by recognizing the reality of the other language group. It is possible to imagine a future where government employees willingly take up the challenge of learning a second official language, while seeing this challenge as both an individual responsibility and an opportunity for cultural enrichment.

There is no easy answer to these questions. Nevertheless, they are a relevant and essential part of the process of renewal in the federal public service, if the public service is to reflect the bilingual character of this country.

Since little or no research has been carried out on the management of bilingual public organizations, the Office of the Commissioner plans to conduct an extensive study on this subject this year. The key objectives of the study will be to examine the following: the cultural differences between Anglophones and Francophones that have an impact on the workplace, how these values affect management models, success stories of the integration of the two official languages in various organizations within the public service, how linguistic duality and Canada's diversity are embodied by the country's leaders and what consequences these findings will have on the management of a bilingual public service.

The Commissioner hopes that this study will contribute to the reflection currently underway and the identification of sustainable solutions.

Recruiting bilingual employees

A public service with a firm commitment to linguistic duality must inevitably recruit new bilingual employees from the graduates of Canadian post-secondary institutions. Public service renewal therefore provides an opportunity to develop recruitment strategies for new employees.

Since taking office in October 2006, the Commissioner has often criticized the tendency of Canadian post-secondary institutions to gradually eliminate incentives for learning the two official languages. This should be cause for concern for the federal government.

The federal government, which is the largest employer of university graduates in Canada, must ensure that post-secondary institutions are aware of the importance it places on recruiting employees who are proficient in both official languages, particularly for graduates of communications, journalism, law, public administration and health care programs.

In its March 2008 report on bilingualism in the public service, the House of Commons Standing Committee on Official Languages recommends that the federal, provincial and territorial governments work together with post-secondary institutions to encourage bilingualism among students and that the government of Canada raise awareness about the language skills required in the federal public service.

If a larger number of bilingual people applied to the public service, linguistic duality could be ensured as one of the values of tomorrow's leaders and it would become an integral part of the organizational culture of institutions.

A public service that places greater emphasis on linguistic duality would benefit the country as a whole. It would give Canada a distinct advantage in a global economy where language skills are a major asset and a key factor in productivity. It would also help enhance Canada's visibility and image as an open and diverse country and spread the values of democracy and inclusion across the world.

This year, the Office of the Commissioner plans to conduct a study on second-language learning opportunities in Canadian universities, be they English-language, French-language or bilingual. The study will focus on the second language courses and programs offered by the universities, as well as other services and activities related to second-language learning opportunities.

Linguistic duality: A key component of public service renewal

The observations described in the previous paragraphs show that the federal public service is at a turning point in its history, and that linguistic duality and the ability to communicate in both official languages are key components that must be taken into consideration during its renewal process. As thousands of new recruits prepare to enter the public service, those in charge of renewal must closely examine these issues.

It should be understood that the goal is not to make all federal government employees bilingual, or require the federal government to only hire post-secondary graduates who speak both official languages. Nevertheless, if it wants to truly reflect the values of linguistic duality, position bilingualism as a key leadership skill and comply with the requirements of the Act, the public service must have a critical mass of employees who choose to communicate in the two official languages. In other words, it would be unrealistic to believe that progress can be made in terms of the language of service provided to official language communities unless breakthroughs are first made in terms of language of work in the public service.

The Commissioner therefore urges the Clerk of the Privy Council, as well as the committees created, to support public service renewal and to give linguistic duality its rightful place, both when examining human resources management issues within the government and when developing strategies related to recruitment, training or branding. During the renewal process, an effort must be made to dispel the myth that linguistic duality and bilingualism in the public service are only an issue for one language group and that language requirements are simply a means of ensuring that more Francophones are hired. In order to move forward on this issue, unilingualism must cease to be seen and accepted as the norm in government operations. There must be a widespread understanding that linguistic duality is a matter of respect, that it is a source of individual and collective enrichment, and that it is everybody's business. An unachievable ideal, some would say with cynicism. However, consider the following questions: Was Lester B. Pearson wrong in 1966 to dream of "a climate [...] in which public servants from both language groups will work together toward common goals, using their own language and applying their respective cultural values, but each fully understanding and appreciating those of the other?"[38] Was he mistaken in believing that the linguistic and cultural values of both English-speaking and French-speaking Canadians could be reflected in the culture of the public service? If an attempt is not made to achieve these goals, there is a real danger that we could lose sight of them all together.

Possible courses of action

The following are some factors to be considered for successful public service renewal.

1) Commitment from senior management

First and foremost, it is essential to ensure the support and commitment of current senior managers in the federal government. They all must embrace the values of linguistic duality by giving this issue priority in the federal public service renewal process.

When hiring new senior managers, we must be able to turn to a pool of candidates who embody the values required to lead a bilingual public service.

> **"This has to be understood from top to bottom and our actions must reflect these words rigorously and consistently across the system. That is the job of leaders."**
>
> The Honourable Frank Iacobucci[39]

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[38] Canada, *Official Report of the Debates of the House of Commons*, Vol. IV, Ottawa: Queen's Printer, 1966, p. 3915. From the statement of policy respecting bilingualism in the public service made by Prime Minister Lester B. Pearson on April 6, 1966.

[39] The Honourable Frank Iacobucci, at the First Annual Gordon F. Osbaldeston Lecture, Public Policy Forum, November 2006.

2) Training

Training and development programs for senior managers are an excellent opportunity to pass on the skills and values related to the management of a bilingual organization. The **Canada School of Public Service** must therefore go beyond its current practice, which simply involves explaining the standards, rules and requirements that apply to service in both official languages.

Finally, the government would be well advised to step up its awareness-raising activities for new employees. During the hiring process and in orientation programs, new recruits should be clearly informed about the importance the institutions place on linguistic duality.

RECOMMENDATION

The Commissioner recommends that the Clerk of the Privy Council ensure linguistic duality is fully integrated into public service renewal initiatives, especially in recruitment, training and development, so that linguistic duality is considered a value in the federal administration.

3) Post-secondary recruitment

The federal government must work closely with Canada's post-secondary institutions to encourage students to learn both official languages. Universities must be made aware of the language requirements of the federal public service in order to help the government recruit graduates with adequate language skills.

4) Language training

Language training is a popular topic of conversation in the public service and the Commissioner takes it very seriously. A significant number of public servants are currently under the impression that allocated resources for statutory language training have been cut in recent years. Since responsibility for statutory language training was transferred from the **Canada School of Public Service** to federal institutions, employees feel a step has been taken backwards. The Commissioner is also concerned about quality control of the teaching offered, and is keeping a close eye on this issue.

Success story: Maintaining language skills

The Ontario Federal Council launched a pilot project in the Toronto area for English-speaking federal public servants who meet the language requirements of their position and master the French language, but are at times hesitant to use it. This project is intended to help them practice their second language skills. Public servants are invited to participate in sessions that include discussions, presentations and debates. During each session, facilitators control the direction of the conversations, make comments and provide feedback. There was so much interest in the first 10-week session that five times as many groups were created for the second session. An evaluation is underway to determine whether the project should be continued and expanded.

The Commissioner recognizes that each employee is responsible for developing his or her language skills. He therefore encourages young public servants to include language training in their learning and development plans from the outset of their careers in order to develop the skills they will need to continue moving up the ranks. However, their managers must provide learning opportunities, and institutions must adopt innovative training approaches, such as granting leave to allow employees to take language immersion courses.

Findings of the Canada Public Service Agency survey[40]

In the summer of 2007, the **Canada Public Service Agency** conducted a survey of federal public service executives (EX) and EX feeder groups (EX minus 1 and 2). Close to 16,000 employees took part in the survey. The purpose of the survey was to provide the government with a clearer understanding of the executive community and its feeder groups.

Over one-third of respondents from the EX feeder groups believe that a lack of access to language training has moderately or severely affected their career development. In the executive group, only 18% feel the same. In both groups, the lack of access to language training was a much greater concern for Anglophones and members of employment equity groups.

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[40] The results from the census of EXs and feeder group employees (the core public administration), published in March 2008, can be found on the Web site of the Canada Public Service Agency at **www.psagency-agencefp.gc.ca/reports-rapports/cenus-ex-recensement/results-resultats_e.asp**.

CONCLUSION

This chapter shows that all of the major progress made in official languages has been the result of the strong and decisive leadership of the federal government. Similarly, setbacks are the result of complacency.

Even though some federal institutions have made progress during the past year, the federal government as a whole is still having difficulty solving systemic problems related to the implementation of the *Official Languages Act*. In the same vein, many federal institutions still do not seem clear about their obligation to take positive measures. It is for this reason that the Commissioner believes federal institutions' performance has reached a plateau. He insists that institutions must do more to improve their performance.

The Commissioner also presented his intentions in this chapter to use a wider range of tools to intervene in his role as ombudsman and protector of Canadians' language rights.

The Commissioner places a great deal of importance on the initiative that will replace the *Action Plan for Official Languages*, and calls on the federal government to show leadership in this regard. He also hopes the federal government will take advantage of the public service renewal process to enhance the value of linguistic duality in the federal government. On a related note, he emphasizes the importance of training as a way to ensure new public servants and executives better understand the foundations and requirements of the Act.

Finally, the Commissioner calls on the government to strengthen its commitment to the horizontal governance of official languages. This commitment must be expressed through both stronger political leadership and the implementation of concrete measures.

CHAPTER II
OFFICIAL LANGUAGES IN A CHANGING WORLD

CHAPTER II:

OFFICIAL LANGUAGES IN A CHANGING WORLD

> *"FOR ONE THING, ENGLISH CULTURE AND FRENCH CULTURE ARE NOT, AND CANNOT BE, SEPARATE AND DISTINCT FROM EACH OTHER OR FROM OTHER CULTURAL STRAINS IN CANADA[...] THERE MUST BE NO PRESSURE ON ONE TO ABSORB THE OTHER, BUT THEY SHOULD DEVELOP ALONGSIDE EACH OTHER; EACH, I HOPE, INFLUENCING THE OTHER [...]"*
>
> **RIGHT HONORABLE LESTER B. PEARSON**

In recent years, a number of researchers, authors and organizations around the world have suggested that globalization and other major transformations change the traditional framework for discussion and tend to standardize languages and cultures.[1]

For example, Tove Skutnabb-Kangas, a professor at Roskilde University in Denmark, points out that linguistic diversity, just like biodiversity, is part of human heritage, but that 90% of the world's oral languages will disappear before the end of the century if nothing is done to protect them.[2] Fortunately, the idea that languages, as essential components of identity, must be recognized and protected when political spaces are created is also coming to the forefront. In the European Union, the Group of Intellectuals for Intercultural Dialogue, chaired by writer Amin Maalouf, recognized that the European community must not give in to the temptation to let a single language, English, dominate the work of European institutions. According to the Group, "A turn of events of this kind is not desirable. It would be damaging to the economic and strategic interests of our continent and all our citizens irrespective of their mother tongue. It would also be contrary to the whole ethos of the European project [...]."[3] Moreover, the Group continues, "People cannot be expected to be wholeheartedly behind Europe unless they feel that their specific culture, and primarily their language, is fully respected and that the integration of their country in the European Union contributes to the flourishing of their language and culture rather than marginalising them. So many of the crises we have witnessed in Europe and elsewhere stem from the fact that a community has sometime in the past felt that its language was not respected [...]."[4]

Canada is evolving in this changing context, and it is undeniable that its linguistic duality is also subject to strong pressures. In addition to the linguistic composition of the country, which is rapidly changing, the federal government is facing major transformations. The debate on Senate reform and other reform projects, such as spending power, are two examples.

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[1] For example, the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which was adopted in October 2005 by a strong majority of Member States. Canada indicated that it would continue to play a leading international role in promoting the Convention and its implementation.

[2] Tove Skutnabb-Kangas, *Linguistic Genocide in Education—Or Worldwide Diversity and Human Rights?* (Mahwah, New Jersey: Lawrence Erlbaum Associates, 2000).

[3] Group of Intellectuals for Intercultural Dialogue, *A Rewarding Challenge: How the Multiplicity of Languages Could Strengthen Europe* (Brussels: European Commission, 2008), p. 5.

[4] *Ibid.* p. 12.

As a result, the federal official languages policy has never been so relevant. Its purpose flows from the idea that, in this country and throughout the world, there is more than one way of living, communicating and behaving, and that this richness must be protected. It is part of the vision of a pluralist and generous society that respects differences and recognizes the value of language as a fundamental component of its identity and development. It is also related to the idea of shared citizenship — a society that cultivates a sense of belonging in all Canadians, regardless of their social, economic or demographic situation.

This chapter is a discussion of linguistic duality in a country and world that are undergoing profound changes. It will first look at some proposals for reforming the Canadian federation and their possible impact on the official languages program. This discussion is followed by a reflection on the interaction between linguistic duality and cultural diversity, which has been raised in previous annual reports.

PART 1:
CHANGES TO THE CANADIAN FEDERATION

The last two speeches from the Throne announced significant changes to the Canadian federation. In the Speech from the Throne of October 16, 2007, the federal government said it plans to strengthen the federation by continuing its Senate reform program and launching other major changes. These changes include placing clear limits on the use of federal spending power in areas of exclusive provincial jurisdiction.

Excerpt from the Speech from the Throne, October 16, 2007

"Our Government believes that the constitutional jurisdiction of each order of government should be respected. To this end, guided by our federalism of openness, our Government will introduce legislation to place formal limits on the use of the federal spending power for new shared-cost programs in areas of exclusive provincial jurisdiction. This legislation will allow provinces and territories to opt out with reasonable compensation if they offer compatible programs."[5]

The Senate and the sharing of power are at the core of Canada's constitutional framework, and thereby directly affect the country's language policy.

It is true that Canada is changing and there is no question that a periodic reassessment of the country's democratic institutions and administrative practices is useful. However, the essential components of one should not be put at risk when attempting to eliminate the disadvantages of the other.

The Canadian federation is the result of a long journey, a rich tradition of accommodation and sometimes trying negotiations. As John D. White, former Attorney General of Saskatchewan, said: "A nation is built when the communities that comprise it make commitments to it, when they forego choices and opportunities on behalf of a nation, [...] when the communities that comprise it make compromises, when they offer each other guarantees, when they make transfers and perhaps most pointedly, when they receive from others the benefits of national solidarity. The threads of a thousand acts of accommodation are the fabric of a nation."[6]

To manage their relations, Canadians founded institutions and adopted practices that, even if they are not always based on consensus, ensure a delicate balance that nevertheless allows Canada to thrive.

The federal government has inherited a rich history of official languages that it must preserve, and important legal duties that it must fulfill. As it undertakes its reform projects, the government must demonstrate judgment and an acute sense of its responsibilities towards Canada's linguistic duality.

What possible impact can Senate reform and other major changes have on official languages?

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[5] Governor General, *Strong Leadership. A Better Canada. Speech from the Throne: October 16, 2007* (Ottawa: Her Majesty the Queen in Right of Canada, 2007), p. 8.

[6] Privy Council Office, *The Government of Canada presents the Clarity Bill*, **www.pco-bcp.gc.ca/aia/index.asp?lang=eng&page=federal&doc=constitution/clarityact/annoteddraftbill_e.htm.**

SENATE REFORM

First, a brief overview of recent developments. On April 3, 2006, in the Speech from the Throne opening the first session of the 39th Parliament, the government announced its intention to reform the country's electoral system and democratic institutions, including the Senate. On May 30, 2006, it tabled Bill S-4, *An Act to amend the Constitution Act, 1867*, in the Senate. The purpose of this bill was to limit senators' terms to eight years.

Excerpt from the Speech from the Throne, April 3, 2006

> "To remain strong and effective, our federation must keep pace with the evolving needs of Canadian society. Building on the work begun in the last Parliament, this Government will seek to involve parliamentarians and citizens in examining the challenges facing Canada's electoral system and democratic institutions. At the same time, it will explore means to ensure that the Senate better reflects both the democratic values of Canadians and the needs of Canada's regions."[7]

This bill was then studied by the Special Senate Committee on Senate Reform and the Senate Standing Committee on Legal and Constitutional Affairs. In its report, the Committee on Legal and Constitutional Affairs recommended terms of 15 years rather than 8 years, without the possibility of extension or renewal. It also recommended that the government request a reference to the Supreme Court of Canada to confirm the constitutionality of Bill S-4. This bill died on the Order Paper after the prorogation of Parliament.

On December 13, 2006, the government introduced a second bill, C-43, titled the *Senate Appointment Consultations Act*. This bill proposed holding elections in each province to guide the Prime Minister in the senatorial appointment process. Thus, when a seat became vacant in the Senate, a province's voters could make their preferences known based on a list of candidates representing the province as a whole (as opposed to single ridings). The Prime Minister would then make appointments based on the results of the vote. Bill C-43 could not be reviewed in committee before Parliament was prorogued and therefore died on the Order Paper in September 2007.

In its most recent Speech from the Throne on October 16, 2007, the government reiterated its intention to make changes to Canada's parliamentary institutions. The debate has resumed once again.

In light of the government's intentions and the importance of this issue, the Office of the Commissioner asked Professor Louis Massicotte of the Université de Montréal's department of political science to study the role played to date by the Senate in the protection of minorities in general and official language minority communities in particular. The Office of the Commissioner also asked Professor Massicotte to study the mechanisms that are most likely to protect linguistic minorities if senators are one day elected instead of appointed.

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[7] Governor General, *Canada's new government – Speech from the Throne: turning a new leaf* (Ottawa: Her Majesty the Queen in Right of Canada, 2006), p. 8.

Excerpt from the Speech from the Throne, October 16, 2007

"Canadians understand that the federation is only as strong as the democratic institutions that underpin it. Our Government believes that Canada is not well served by the Senate in its current form. To ensure that our institutions reflect our shared commitment to democracy, our Government will continue its agenda of democratic reform by reintroducing important pieces of legislation from the last session, including direct consultations with voters on the selection of Senators and limitations on their tenure."[8]

Senate reform is not a new issue. It has been the subject of many studies and reports over the course of Canada's history, especially since the 1960s.

However, upon review of the many studies, commissions and reports of the past 50 years, it is apparent that very few have given any thought to the impact an elected Senate would have on official language communities.

This observation is of particular concern to the Commissioner because the Senate reform proposed by the current government does not take official language communities into account whatsoever. In fact, the proposed formula could even considerably diminish these communities' ability to have an influence on election results because it proposes compiling votes by province rather than by riding. Voting in this manner would decrease the electoral weight of official language communities because of their minority status at the provincial level. As Mr. Massicotte stated, the formula proposed in the government's current initiative raises concerns from the point of view of official language minorities.[9]

Canada's Constitution does not provide for the representation of official language communities in the Senate. Because of this, it offers few guarantees to these communities. However, these communities have, to date, been well represented in the Senate. Successive prime ministers have always ensured senators from official language communities are appointed, even if the Constitution does not require them to do so.[10] Moreover, the communities are currently well represented in the Senate by senators who are likely to look out for these communities' interests.

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[8] Governor General, *Strong Leadership. A Better Canada. Speech from the Throne: October 16, 2007* (Ottawa: Her Majesty the Queen in Right of Canada, 2007), p. 8.

[9] Louis Massicotte, *Possible Repercussions of an Elected Senate on Official Language Minorities in Canada* (unpublished report for the Office of the Commissioner of Official Languages, March 2007), p. 17.

[10] F.A. Kunz, *The Modern Senate of Canada 1925–1963: A Re-Appraisal* (Toronto: University of Toronto Press, 1965), p. 47.

According to Mr. Massicotte, "If no guidelines other than the majority preference of the voters of a province are used to determine future prime ministers' Senate appointments, it is feared that some linguistic minorities will lose the advantage they now have."[11] In addition, he adds, "[...] official language minorities have little to gain but much to lose if the selection process for senators is amended."[12]

The consequences of the proposed changes are real, since the Senate increasingly acts as a protector of official language communities. Senators actively participated in the work of the Joint Committee on Official Languages from 1980 to 2002, when they formed their own official languages committee, thereby showing how important they consider the issue to be. They have also taken concrete measures. For example, the relentless efforts of Senator Jean-Robert Gauthier to have his bill passed strengthened section 41 of the *Official Languages Act* in 2005, by clarifying the obligations of all federal institutions.

As a result, the Senate can play an important role as promoter and protector of language rights in Parliament, and it is the government's responsibility to fully consider the impact of Senate reform on official language communities. This responsibility is even more important because it is in line with the spirit of Part VII of the Act.

The Commissioner plans to continue his reflection on this subject, and continue to emphasize the importance of this issue.

HARD LESSONS FROM THE PAST: GOVERNMENT TRANSFORMATIONS

The current government has made or is planning to make several institutional changes. These changes are related to alternate service delivery and the devolution of power.

An example of devolution that adversely affected language rights

In 1996, following amendments to the *Contraventions Act*, the federal government chose to transfer by way of agreement its responsibilities for the criminal prosecution of federal offences to the provinces, territories and municipalities, without taking measures to ensure that the provinces or municipalities respected all the language rights guaranteed by the *Criminal Code* and the *Official Languages Act*. It was then necessary to go before the Federal Court to force Justice Canada to take "the necessary measures" to ensure that these language rights were respected. This example illustrates the consequences of the devolution of federal responsibilities on the public's right to be served in the official language of choice.

The reforms on the horizon are reminiscent of the way changes were made to the federal government in the 1990s, which was a dark period for the official languages program. Some will recall the strong criticism levelled against the government at the time for not showing enough concern for official language communities before launching a wave of reforms.

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[11] Louis Massicotte, *Possible Repercussions of an Elected Senate on Official Language Minorities in Canada* (unpublished report for the Office of the Commissioner of Official Languages, March 2007), p. 28.

[12] *Ibid.*, p. 17

At the time, the Office of the Commissioner examined this issue extensively. In 1998, it commissioned a major study that contains lessons that still apply today. This study, *Government Transformations: The Impact on Canada's Official Languages Program*,[13] clearly denounced the effects of government transformation, stating that it has "resulted in a subtle but cumulative erosion of language rights and, within the federal administration, has weakened the official languages program."

This study identified five guiding principles to assist the government in its projects for reform.

The five guiding principles identified in the 1998 Office of the Commissioner's study *Government Transformations: The Impact on Canada's Official Languages Program*:[14]

- the preservation of the public's existing language rights;
- the establishment of remedy and redress mechanisms;
- the establishment of accountability mechanisms;
- the securing of a formal commitment to protect and promote the development of the official language minority communities;
- the consideration of the language rights of federal employees affected by these transformations.

The study also recommended creating a task force whose mandate would be to identify the negative impact the government transformations could have on official languages and propose corrective measures. The President of the Treasury Board promptly implemented this recommendation by setting up a task force on government transformations and official languages, which was chaired by Yvon Fontaine, then vice-president of academic affairs and research at the Université de Moncton.

In January 1999, in its report *No Turning Back: Official Languages in the Face of Government Transformations*,[15] the task force confirmed the Office of the Commissioners' assertion that government reforms would weaken Canada's linguistic duality.

Ultimately, these initiatives led to new commitments. In 2002, the **Treasury Board Secretariat** adopted a policy setting out mechanisms that were intended to ensure the sound management of alternate service delivery and respect for official languages. This policy, which was not widly known by the public, set out the principles to follow when changes were made to alternate service delivery and when the impact of these changes on official language communities were evaluated. Under this policy, departments were to do the following:

- undertake a detailed impact analysis on service to the public in the official language of choice, the language of work of federal employees and the development of official language minority communities;

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[13] The study on the impact of government transformations is available on the Office of the Commissioners' Web Site at **www.officiallanguages.gc.ca/html/stu_etu_031998_e.php**.

[14] *Ibid.*

[15] Task Force on Government Transformations and Official Languages, *No Turning Back: Official Languages in the Face of Government Transformations* (Ottawa: Treasury Board Secretariat, January 1999), p. 11. Report prepared for the President of the Treasury Board and available on the Treasury Board Secretariat's Web Site at **www.tbs-sct.gc.ca/pubs_pol/hrpubs/tb_a3/dwnld/ol_gov_e.pdf.**

- obtain a commitment to enhance the development of the official language communities affected, consult those communities about their needs and interests and take concrete measures accordingly when a transfer or withdrawal of responsibilities to another level of government or the private sector is proposed;
- ensure that adequate redress mechanisms are in place, and make them known to the general public;
- establish monitoring mechanisms to evaluate the fulfillment of commitments related to official languages;
- take into account the language preferences of federal employees working in designated bilingual regions for the purposes of language of work when the service is transferred to another level of government or the private sector.

On April 1, 2007, the **Treasury Board Secretariat** abolished the 2002 policy; however, it retained the principles in Appendix E of *A Guide to Preparing Treasury Board Submissions*. This guide provides practical advice to departments and sets out the questions they should take into consideration to assess the impact of their decisions on official languages. However, by the time a department has reached the stage of a Treasury Board submission, it has already made the major decisions related to policy and program orientation. Furthermore, this guide does not have the same visibility or compulsory effect as a policy.

RECOMMENDATION

The Commissioner recommends that the Prime Minister ensure the government fully respects its linguistic obligations and the vitality of official language communities during any large-scale reform, such as program reviews, transfers of responsibilities, or decisions to change the nature of, privatize or move a federal institution.

According to the Commissioner, it is therefore appropriate to ask what the fate of official languages is going to be. When major changes are planned, will the government remember the conclusions of *No Turning Back*? Will it remember the guiding principles for ensuring that official languages are respected when these are now in the appendix of a guide? Where do official languages fit into the decision-making process?

The Commissioner's message in this respect is as follows: if any lessons can be drawn from the recent past, the federal government would be ill advised to proceed with extensive reforms or introduce new administrative practices without fully taking into account its language obligations and the possible impact on official language communities: Moreover, is it necessary to reiterate Part VII's explicit wording in this regard?

Of course, the Commissioner is not questioning the government's power to make decisions and govern. However, as stated in the 1999 study *No Turning Back*, "if the government decides to fulfil its responsibilities in a different manner, the existing regime of language rights and support to official language minority communities must continue to be applied in its entirety."[16] Nearly 10 years later, the government must not ignore the lessons of the past and jeopardize all the progress made so far.

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[16] *Ibid.*

LIMITING SPENDING POWER

The federal government should also keep the lessons of the past in mind regarding another wide-reaching reform project that it would like to carry out: limiting the federal government's spending power in areas of exclusive provincial jurisdiction.

As with Senate reform, this issue has revived an old debate within the federation. Some provinces tend to perceive federal government spending power as an intrusion on their jurisdiction or a thinly-veiled way to unduly influence provincial or territorial programs by imposing national "standards." In the past, Quebec and Alberta have denounced any federal initiative that interferes with their jurisdiction. However, other provinces and territories welcome this practice because it means the federal government will contribute to the funding of certain social programs, by providing funds to the provincial or territorial government or directly to taxpayers.

The Commissioner wonders what impact this reform will have on the official languages program.

In the current context, the federal government cannot act alone to achieve the official languages objectives of the *Canadian Charter of Rights and Freedoms* or federal legislation and regulations. The provinces also have important responsibilities, especially in their areas of exclusive jurisdiction, such as health and education. One of the primary responsibilities of the federal government is to work with the other levels of government to take coordinated action that produces the best results for the members of official language communities. While these kinds of partnerships are desirable, they must not impede the federal government's efforts to meet its official languages obligations.

In other words, reform of the spending power, if it is carried out, must not come at the expense of language rights. The federal government must provide for mechanisms that will allow it to continue playing a key role in the development of official language communities and the promotion of linguistic duality in Canada while respecting the jurisdiction of each level of government.

PART 2:
SHARED CITIZENSHIP, LINGUISTIC DUALITY AND THE EVOLVING REALITY OF CULTURAL DIVERSITY

As Canadians, we have always struggled with our identity and often defined ourselves based on how we are different from our neighbour to the south. One component of Canada's identity that clearly sets it apart is that it is a country composed of two language groups, which emerged from an accommodation that began early in its history. Indeed, since the very early days of our country's history, the two language communities have come together and built a relationship based on mutual respect. We learned how to make room for differences and dialogue.

> **"Canadian approaches to diversity naturally reflect Canadian realities. The starting point is that Canada is one of the most multicultural countries in the world. Among OECD countries, it is virtually unique in the coexistence of three dimensions of difference: the historic divide between English- and French-speaking communities, which represents the central reality of Canadian political life; the presence across the country of indigenous peoples, many of whom assert traditional claims to self-governance; and large immigrant communities..."[17]**

Over time, the openness and spirit of accommodation that have grown out of the relationship between the two language communities have also opened the door to Canada's development as an inclusive and multicultural nation, with the arrival of successive waves of immigrants fleeing oppression or seeking opportunity and a fresh start in a democratic nation.

The values that underlie linguistic duality—acceptance, tolerance and openness to other cultures—have been instrumental in the peaceful evolution of the country and its attractiveness as a host country for immigration. As Michael Adams said recently:[18] "[...] the two-way street of reasonable accommodation is not so uncharted after all: it is already well-paved with laws, rules, norms, institutions and extremely powerful integrative economic, cultural and social forces [...] Canadians have been working on this street for a very long time."

The experiences many of us have had learning our second official language and discovering the culture of the other official language group allow us to understand and be more sensitive to the immigrant experience. Although the move to action and concrete measures has come late in the day, this ability to recognize and accommodate difference is having an impact now on how we address the needs, for example, of native peoples, who have been economically, culturally and territorially marginalized.

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[17] Keith Banting, Thomas J. Courchene and F. Leslie Seidle, eds., *Belonging? Diversity, Recognition and Shared Citizenship in Canada* (Montréal: Institute for Research on Public Policy, 2007), p. 648.

[18] Michael Adams, "Symposium: Multiculturalism," *The Globe and Mail*, December 8, 2007, p. D31.

The Office of the Commissioner of Official Languages has been interested in the relationship between official languages and cultural diversity for a number of years. In her 2005–2006 annual report, the former Commissioner reflected at length on the future of the country and the contribution duality and diversity have made to the development and modernization of Canada. She considered how the obligation to promote linguistic duality and support official language communities should be viewed in an evolving context marked by the growing influence of cultural diversity. In addition, she issued a recommendation to the federal government, asking the Minister for Official Languages to undertake a dialogue with stakeholders in Canadian society to find ways to better integrate the values of duality and diversity into federal policies.

In 2005-2006, the Commissioner recommended:

"That the Minister for Official Languages initiate a dialogue with the various stakeholders in Canadian society to identify the measures to take in order to fully integrate the fundamental values of linguistic duality and cultural diversity into the country's governance models and derive the full benefits that flow from them."

The government has not responded to the recommendation, but this issue is now more important than ever and must be addressed if we are to continue to nurture our linguistic duality as a cornerstone of our identity and unity. Framed more boldly, we need to be able to answer those who, rightly or wrongly, question the relevance of linguistic duality as a central facet of Canadian citizenship, identity and values in the current context of growing diversity. As the Commissioner is often asked, how can the existence of federal policies and expenditures on linguistic duality be justified when Toronto and Vancouver have 46% and 40% foreign-born populations respectively, and where more than 100 languages are spoken in homes across our largest city? Moreover, given that this country's population growth is fuelled mainly by immigration and that immigrants overwhelmingly integrate into the English-speaking majority community, what measures can be taken to continue to support a strong Francophone presence across the country and ensure that both official language groups benefit equally from the arrival of immigrants?

What follows is a discussion about a vision for a country that is quickly evolving, a culturally diverse nation where the national dialogue takes place in two official languages that are rooted in our history, but should remain central to our future. The Commissioner hopes that the federal government will demonstrate a willingness to examine the relationships between existing policies and programs for linguistic duality and multiculturalism, so as to adapt each of them to the country's evolving reality.

AN HISTORICAL PERSPECTIVE

The reflection on the relationship between Canada's linguistic duality and cultural diversity is not new. The debate was already taking place in the 1960s, when the Royal Commission on Bilingualism and Biculturalism stated in its 1965 preliminary report that Canada was passing through the greatest crisis in its history, given the independence movement in Quebec and the hostility towards French in the rest of the country. In its recommendations, the Commission proposed a new partnership between English-speaking and French-speaking Canadians. In future, the Government of Canada would function more effectively in French and the predominantly English-speaking provinces would be encouraged to offer more public services in the minority language, where demand was sufficient. Also, more would be done to recognize the contribution and heritage of other cultural communities. What emerged in response to these recommendations was the *Official Languages Act* in 1969, a multiculturalism policy in 1971, the *Canadian Charter of Rights and Freedoms* in 1982 and the *Canadian Multiculturalism Act* in 1988.

> **"The recognition and accommodation of diversity have been central features of Canadian political history, and contemporary debates over multiculturalism are simply the continuation of an ongoing Canadian conversation. This tradition is grounded in historic commitments to French Canada and to the Aboriginal peoples, who both see themselves—and are increasingly seen by others—as distinct societies or 'nations' within the Canadian state. These accommodations framed the cultural context in which Canada responded to new forms of diversity resulting from immigration during the nineteenth and twentieth centuries."**[19]

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[19] Keith Banting, Thomas J. Courchene and F. Leslie Seidle, eds., *Belonging? Diversity, Recognition and Shared Citizenship in Canada* (Montréal: Institute for Research on Public Policy, 2007), p. 649.

TODAY'S REALITIES

Data from the 2006 census show the growing impact of immigration and the allophone population on Canada's linguistic landscape. The increase in the number of allophones continues to cause a decline in the proportion of both English and French mother-tongue speakers. A total of 20% of the population now has a language other than English or French as their mother tongue. Given Canada's increasing dependence on immigration for population growth, it is not surprising that the proportion of people who have one of the official languages as their mother tongue is declining.

What was often overlooked in the media reports on the census data is that Canada's diversity is still overwhelmingly expressed through our two official languages, and that immigrants adopt one of the two official languages as their language of use. In 2006, the vast majority of foreign-born Canadians (93.6%) reported that they could converse in English or French or both official languages. This was also the case for recent newcomers[20] to this country (90.7%). Furthermore, the use of one or both official languages naturally increases the longer immigrants live in Canada. Indeed, English and French clearly remain the languages that shape the national dialogue in this country,[21] and rates of bilingualism among Anglophones and allophones continue to rise, albeit rather slowly.[22]

> **"...today we are a hugely pluralistic society, so instead of celebrating our differences, maybe it's time to think about what we have in common. And in looking for those commonalities, we have to turn to history, and in that, the story of French and English Canada coming together to create the democratic institutions and values upon which the prosperity and strength of this country rest."**
>
> Rudyard Griffiths[23]

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[20] Population that arrived in Canada in the five years preceding the census.

[21] A total of 98% of the population speaks at least one of Canada's official languages.

[22] Between 2001 and 2006, the level of English–French bilingualism among anglophones grew from 9% to 9.4% and among allophones, from 11.8% to 12.1%.

[23] Quoted in Sarah Hampson, "The Interview: Rudyard Griffiths: Closing a chapter in history," *The Globe and Mail*, February 18, 2008, p. L3.

LOOKING TO THE FUTURE: THE FULL PARTICIPATION OF ALL CANADIANS IN THE NATIONAL DIALOGUE

During a speech in Québec City in June 2007, former U.S. President Bill Clinton explained that in every community there are three minimal conditions for success:

(1) all members must be able to fully participate in the life of the community to the best of their abilities;

(2) the responsibility for success must be shared by all; and

(3) all members of the community must share a sense of belonging.[24]

Canada's complex and evolving identity requires strong leadership from the federal government to ensure that, in the future, Canadian identity continues to be inclusive and built around common values, the notion of full participation and equality of opportunity, and a strong sense of belonging.

> **"Linguistic duality and the reality of Canada's diversity are two things that I think are essential to how we see ourselves as Canadians."**
>
> The Right Honourable
> Adrienne Clarkson[25]

Canada's two official languages have shaped our past and should continue to play a central role in facilitating dialogue and contributing to cohesion in the future. When envisioning the emerging reality of an increasingly diverse, urban and multicultural nation, there are two key questions related to linguistic duality that must be examined:

(1) How do we ensure that French-speaking communities benefit equitably from immigration so that they can continue to thrive and contribute to the national dialogue?

(2) How do we ensure that linguistic duality continues to be shared by all Canadians as a common bond and one of the fundamental cornerstones on which the country and national unity is based?

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[24] Quoted in Patrice Ryan and Frédéric Bérard, "Les trois solitudes," in André Pratte, ed., *Reconquérir le Canada : un nouveau projet pour la nation québécoise* (Montréal: Éditions Voix parallèles, 2007), p. 141.

[25] Speech given in October 2007 at the Discussion Forum on the Perspectives of Canadian of Diverse Backgrounds on Linguistic Duality organized by the Office of the Commissioner of the Official Languages.

IMMIGRATION AND FRENCH-SPEAKING COMMUNITIES

Colin Robertson noted in a recent article[26] that our "Frenchness" remains integral to who we are as a country: it is pan-Canadian and not confined to Quebec. The challenge in a country increasingly dependent on immigration is ensuring that the French-speaking population can grow and benefit from the arrival of new immigrants in the same way the English-speaking population does. This is a challenge both for the Quebec government and for Francophone minority communities across the country.

Minority Francophones' dependence on immigration to ensure demographic growth has its share of challenges. Outside Quebec, a miniscule proportion of immigrants already speak French when they arrive or adopt French as their language of use. As a result, immigration is a subtractive force for Francophones that decreases not only their demographic weight in the country as a whole, but also the vitality of French in the country. Immigration has the opposite effect on Anglophones, because the vast majority of immigrants join the English-speaking population.

This loss of vitality in the Canadian francophonie may accelerate if strong action is not taken to increase the number of immigrants who speak French and who are likely to integrate into official language communities. Fortunately, following the calls for action from the Francophone community and the Office of the Commissioner, **Citizenship and Immigration Canada** took this issue seriously and in 2002 launched a broad initiative to increase the number of Francophone immigrants and promote the settlement and retention of these immigrants in Francophone minority communities. In 2006, the Citizenship and Immigration Canada-Francophone Minority Communities Steering Committee presented a new five-year plan that defines targets and strategies. By 2008, six years after the initiative was launched, many projects have been created at the national level and in all the provinces, even if it will be a few years before they produce meaningful results. The national projects launched in 2007 include the following:

- In November, a delegation of representatives from Francophone communities, provincial governments and employers participated in a recruitment and promotion tour titled *Destination Canada*, which travelled to Paris, Lyon, Brussels and Tunis.
- The theme of the annual conference of the Association canadienne pour l'éducation en langue française held in September was cultural diversity in schools. The Fédération nationale des conseils scolaires francophones adopted the same theme for its annual symposium. This symposium explored issues related to welcoming the numerous immigrants who choose the French-language school system.
- The Fédération des communautés francophones et acadienne du Canada toured existing Francophone immigration networks to determine the needs and shortcomings related to welcoming newcomers. The information that was gathered was used to suggest corrective measures to the Citizenship and Immigration Canada Steering Committee.

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[26] Colin Robertson, "The True White North: Reflections on Being Canadian." *Policy Options / Options politiques* 29, 2 (February 2008), p. 80.

Several projects have also been undertaken in some provinces and territories. The majority of provinces have been able to create infrastructure for welcoming newcomers or to strengthen the existing ones. The majority of the projects are based on a comprehensive strategy that aims to act in a coordinated manner on all fronts, including host-community promotion, settlement services, children's education, employer commitment and community awareness of cultural diversity. By working in this manner, the entire community is involved in integration efforts. The projects currently underway include the following:

- The Carrefour d'immigration rurale Évangéline has developed a guide for newcomers and a DVD to promote this region of Prince Edward Island. In October 2007, the Festival Acadiversité, whose theme was cultural diversity, was a great success.
- Thanks to the support provided by the provincial and federal governments, Ontario has three immigration networks: one for the southwest region, one for the eastern region and one for the northern region. These three networks are developing strategic plans that will be tailored to the needs of their respective communities. A one-stop service centre was created in London to offer settlement, employment and referral services under one roof. The Ontario office of **Citizenship and Immigration Canada** provides funding to the University of Ottawa to develop a three-year strategy for attracting and retaining Francophone immigrants to the province's official language communities.
- The Government of Alberta, in cooperation with the Association canadienne-française de l'Alberta, conducted extensive research to determine settlement needs. The results of this research will make it possible to implement concrete measures. In 2007, the Centre d'accueil et d'établissement d'Edmonton provided settlement services to over 350 Francophone immigrants. Accès-emploi launched a project to facilitate the adaptation and integration of young immigrants through links between their schools and their families.
- The Assemblée communautaire fransaskoise created a guide titled *Vivre en Saskatchewan – guide pour une intégration réussie*. They also organized an interdepartmental fair to raise awareness within provincial ministries of immigration issues. In September 2007, Premier Lorne Calvert hosted a large group of Francophone immigrants at the Legislative Building.
- In September 2007, the Government of British Columbia published a report containing a range of recommendations for improving French-language settlement services for implementation in 2008. The province also funded the hiring of three settlement workers for Francophone schools to help welcome newcomers.
- The Association franco-yukonnaise has created infrastructure to welcome both the many Canadians arriving from other provinces and immigrants. This community now has methods and structures that meet its needs.[27]

[27] Chapter I also mentions the example of Manitoba's Francophone community, which took measures to increase the number of Francophone immigrants to the province.

Despite this notable progress, recruitment has been modest so far.[28] In addition to federal government efforts, the provinces must also consult with Francophone communities on their needs, as stipulated in most federal-provincial-territorial agreements on immigration, and promote the selection of qualified Francophone candidates. Through their various programs, such as the provincial candidate selection programs, all levels of government can help encourage Francophone immigration. However, their promotion and selection mechanisms must better address community needs and strategies. Furthermore, the image of a bilingual Canada and of dynamic francophone communities must be reflected at every step of the immigration process.

Most infrastructure for welcoming newcomers in French is in the preliminary stage of development, while certain communities, such as the small town of Brooks, Alberta, are being flooded with newcomers, and schools are having trouble integrating all the new students due to lack of space and resources. Significant amounts will have to be invested in creating infrastructure that is capable of meeting this demand. Funding from **Citizenship and Immigration Canada** for immigration settlement must allow communities to continually improve these services.

At a forum organized by the Office of the Commissioner in Toronto in October 2007 with representatives of ethnocultural communities, the Francophone participants identified the following issues related to the everyday interaction of linguistic duality and cultural diversity:

- **French-language services:** The lack of availability of services in French is a major issue. In Ontario, government services to the public are not always available in French. Where French services do exist, they are too often of poor quality. Thus, many Canadians no longer ask for services in French, believing that they are not as good as services delivered in English.
- **Integration services:** French is almost non-existent in Toronto as an integration tool for newcomers. Francophones integrate into the English-speaking community, where services are more widely available and better distributed across the region.
- **Identification of Francophones:** The tendency to focus on official statistics and programs related to Francophones who speak French as their mother tongue excludes the many immigrants, particularly from French-speaking Africa, who do not have French as their mother tongue. They are considered allophones, which hinders their sense of belonging and visibility in Francophone communities.

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[28] In 1997, the proportion of immigrants who spoke only French was 3.8%, and in 2006 it was 5%. The proportion of immigrants who speak both English and French increased from 2.8% in 1997 to 9% in 2006. These data include immigrants who have settled in Quebec and can be found on the Citizenship and Immigration Canada's Web site at **www.cic.gc.ca/english/resources/statistics/**

Moreover, the services that are offered must be tailored to the specific needs of newcomers. Some communities welcome more refugees (who have more specific needs than other immigrants) while others (for example, in the Yukon and Alberta) receive large numbers of Francophones, including young entrepreneurs and professionals from elsewhere in Canada, as well as immigrants.

In addition, the type of host community should be taken into consideration. Someone who moves to a small bilingual municipality in Manitoba will no doubt have a very different experience from a person who moves to Toronto, where the Francophone community is sizeable, but scattered. Newcomers to Toronto must be made aware as soon as they arrive that there is a Francophone community they can be part of. It is very likely that newcomers to Toronto have family or friends already living there (which can facilitate their integration), but the same is less likely if they decide to move to Evangeline, Prince Edward Island. These factors must be taken into consideration when planning services.

In terms of integration, the majority of communities have taken measures to prepare residents for cultural diversity, thereby enhancing the integration of newcomers. However, true integration takes a long time, and does not occur in the first six months after arrival. Obtaining employment, finding housing and enrolling the children in school are not enough for newcomers to feel integrated. They must also be able to enjoy all aspects of community life: sports, recreation, community associations, elder support, etc. Communities must recognize from the outset the potential contribution new citizens can make and do everything necessary to ensure they participate in community projects and activities. Francophone minority communities, who have often had to defend their language rights, have set up strong institutions and organizations and have given them the mandate to protect and promote their language and culture. Over the years, these institutions have endeavoured to support the traditions and values that have helped define the community and give it a solid foundation. The true and deep integration of Francophone immigrants into the communities may require the communities and governments to take the time to reflect on these values and on a definition of "Francophone" citizenship. Wanting to live in French, expressing an attachment to French language and culture or using French during social interactions should be enough to determine a person's belonging to the Canadian Francophonie.

The next few years will be crucial for Francophone immigration. While provinces and municipalities have an important role to play in terms of settlement infrastructure (because many of the projects described receive provincial or municipal funding), the fact remains that these initiatives were made possible through federal government leadership. The Action Plan 2003–2008 gave communities an indication they needed to mobilize and organize. It is now time to give them another indication to enable them to stay on the right path. The time has come to take targeted, ongoing and significant action so that the French presence continues to be felt in the Canada of tomorrow.

MULTIPLE IDENTITIES AND A SHARED NATIONAL DIALOGUE IN OUR TWO OFFICIAL LANGUAGES

In addition to the demographic challenges of supporting a strong French presence across the country, the second issue that Canadians face as we look to the future is to ensure that, despite our origin, we can all share and participate in linguistic duality and recognize it as one of the fundamental cornerstones and common values on which our country is based. In a recent report on cultural diversity in Canada, the federal government's Policy Research Initiative framed the question more broadly, asking how to foster diversity without divisiness or shared or inclusive citizenship in a multicultural society.[29] How can Canada's official languages contribute to the notion of shared citizenship in the future?

Canadians today have multiple affiliations: unilingual, bilingual or multilingual, we often come from other countries, to which we remain linked through our families, friends and traditions. At the same time, we embrace a collective Canadian identity and common values. Despite our differences and our multiple identities, Canada's official languages help to bring us together and allow us to carry on a national dialogue. Indeed, the very basis of Canada's national unity and raison d'être continues to be founded on an understanding between English Canada and French Canada. The richness of this compact is reflected in our laws, political institutions and constitutional framework.

Discussion Forum on the Perspectives of Canadians of Diverse Backgrounds on Linguistic Duality

In October 2007, the Office of the Commissioner of Official Languages held a forum in Toronto during which participants, who were representatives of ethnocultural communities, discussed their relationship with Canada's official languages.

The participants expressed a desire to contribute to Canadian society in a variety of ways and to be part of the national dialogue. They also recognized that linguistic duality is part of what binds Canadians together and that it favours multiculturalism.

While not all participants were able to speak both official languages, they all wanted to have more opportunities to learn the other official language. According to the participants, in addition to contributing to the economic integration of immigrants, speaking both official languages leads to a better understanding of the country, its history and its culture, and it supports national unity. Undoubtedly, there is a will and eagerness for dialogue and an understanding of linguistic duality as a fundamental canadian value. Many participants insisted on the importance of finding more ways to put the various communities in contact, both at the local and the national level.

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[29] Jean Lock Kunz and Stuart Sykes, *From Mosaic to Harmony: Multicultural Canada in the 21st Century* (2007), p. 3. Results of regional roundtables conducted by the Policy Research Initiative.

Canada's bilingualism and multiculturalism policies are a vision and a framework for dialogue within an inclusive society. Both are based on human rights, equality of opportunity, full participation and the value of respect.

> **Citizenship judge Shinder S. Purewal was born in India and came to Canada in 1979. Today he presides over bilingual citizenship ceremonies in Surrey, British Columbia, for new Canadians. Judge Purewal includes the French version of the oath and a few words in French in his ceremonies, he says, "to underline the fact that this country's basic framework is based on the foundations of two languages—English and French." For him, "linguistic duality is an important institutional framework for all Canadians to build and sustain a common bond with each other—from coast to coast to coast. In fact, the English and French languages are the vehicles of advancement for any immigrants to this country."**
>
> Robert Rothon[30]

The notion of respect goes beyond tolerance; it implies the desire to enter into a mutually beneficial relationship, to take advantage of differences and to learn from the other in order to improve. For this to happen, of course, the possibility of having a dialogue must exist. On the national scene, this dialogue takes place in English and French. This is for historic reasons, but also because enough of the national leaders from all walks of life understand these two languages. The availability of national media in both languages, in every region of the country, allows citizens to have access to news and culture from both linguistic groups. Having two Canadian languages does nothing to diminish the importance of the many other languages spoken in Canada. Some native languages, Inuktitut in particular, are the languages of public administration in northern Canada and their use must be reinforced across the country. Other languages, such as Cantonese, Italian, Hindi and Punjabi, are spoken in many homes and neighbourhoods, and some public services are offered in these languages. Nevertheless, English and French remain the essential languages of communication and the basis for national dialogue and understanding in the country.

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[30] Robert Rothon, "Becoming Canadian," *Beyond Words* (Winter 2008). Newsletter published by the Office of the Commissioner of Official Languages at **www.officiallanguages.gc.ca/newsletter**.

ACTIONS FOR MOVING FORWARD

Canada's policies on linguistic duality and multiculturalism clearly enrich our identity and contribute to social cohesion. They allow for a better understanding of Canada and its history and they support national unity. However, in practice, considerable hurdles still must be overcome, not least of which is the disconnect between the aspirations for linguistic duality as expressed by our laws and political discourse, and the reality, which shows linguistic duality is absent from day-to-day life in many parts of the country.

Linguistic duality is often portrayed as a policy that is only for official language communities, a policy that does not speak to all Canadians. Thus there is a need to better communicate the values and history behind linguistic duality so that all Canadians understand and feel included in this vision. Greater efforts must be made to promote linguistic duality to Canadians, particularly to new and potential immigrants. The relevance of English and French for all Canadians must be explained, as must be the importance of these two languages as a key feature of Canada's history and as an integral part of citizenship. Such efforts would go a long way to ensuring that Canadians of diverse origins living in cities such as Toronto and Vancouver understand why linguistic duality is important. These efforts would also reinforce a shared sense of national belonging that transcends a local or regional reality.

Many young Canadians are more bilingual, more open to cultural diversity and are more in contact with other cultures than previous generations. They define their Canadian identity in the global context,[31] and this identity increasingly includes an ability to speak both official languages and a desire to understand both language communities. Approaches to both linguistic duality and multiculturalism must reflect this evolving vision so they resonate with and remain relevant to this generation.

> **"Some Canadians speak only English and others only French, but as an immigrant, I think I've made a good choice in deciding to learn both of Canada's official languages. It is my way of contributing to Canada."**
>
> Lorena Ortega, participant at the forum organized by the Office of the Commissioner on linguistic duality and cultural diversity in Toronto in October 2007.

For immigrants, and indeed for all Canadians, languages are vehicles for advancement. More opportunities should be provided for all Canadians, whatever their background or country of origin, so they can learn their second official language and take part in a dialogue with the other language community. Governments and the education system have a role to play in reinforcing second-language programs in school curricula, improving proficiency levels and promoting exchanges. Post-secondary institutions must also recognize their role in preparing graduates for a Canadian and international job market in which bilingualism and multilingualism are important skills in an interconnected world. Many other countries, including Great Britain, have already come to realize the importance of investing in language skills as a way to improve productivity and competitiveness.[32]

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[31] Jean Lock Kunz and Stuart Sykes, *From Mosaic to Harmony: Multicultural Canada in the 21st Century*, 2007, p 13. Results of regional roundtables conducted by the Policy Research Initiative.

[32] *Nuffield Languages Inquiry*, 2000. See **http://nuffieldfoundation.org.**

THE GOVERNMENT'S ROLE

All Canadians should be able to participate in and fully contribute to society. To do so, we must have the necessary tools at our disposal, and government policies must be adapted to the changing reality of society. The interplay between linguistic duality and cultural diversity creates challenges and opportunities for the future that must be addressed today. This includes the need for a broader dialogue about how linguistic duality and cultural diversity contribute to an inclusive vision of Canadian identity and citizenship, one that can be embraced and shared by all. It also requires an openness to adapting policies on linguistic duality and multiculturalism in order to meet these challenges.

As we move forward, the federal government has an obligation to lead. It must provide leadership to ensure that linguistic duality and cultural diversity remain the foundations for shared citizenship and an inclusive society. It is urgent to communicate this vision if we wish to ensure two thriving language communities in the years to come and a national dialogue that respects the contributions of all, in both official languages.

If we are unable to respond to this issue, as the outgoing executive director of the Dominion Institute, Rudyard Griffiths, recently stated, "we stand to lose something that will affect all of us: the ability to imagine what it means to belong to a nation that is greater than the sum of its parts."[33]

In 2005, the former Commissioner recommended that the Minister for Official Languages initiate a dialogue with Canadians to fully integrate linguistic duality and cultural diversity into contemporary Canada. This recommendation was based on a vision of shared citizenship that allows for full participation by all, the existence of Canada's two shared languages and shared values. For the current Commissioner, this recommendation is more relevant than ever.

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[33] Rudyard Griffiths, "Blame Ottawa: The country's two solitudes are more solitary by the day," *The Globe and Mail*, February 18, 2008, p. A15.

CONCLUSION

This chapter discussed the relevance of the official languages program in the context of globalization, the reform of parliamentary institutions and other major influences.

It began with an outline of some proposals for the reform of the Canadian federation, specifically the Senate, federal spending power, and other government transformations. The Commissioner notes that the desire to renew the Canadian federation is legitimate, but it may have assimilating tendencies, and services may suffer if the needs of official language communities are not taken into consideration. The federal government must therefore demonstrate judgment and more awareness of its responsibilities towards Canada's linguistic duality as it commits to reform projects.

This chapter then reflected on the interaction between linguistic duality and cultural diversity as a follow up to previous reports. Canadian reality is marked by the growing influence of the allophone population. Even if the majority of this population, which continues to increase, can speak one of the official languages, the Canadian identity is still going through a period of change. The Commissioner is therefore asking decision-makers to review how linguistic duality and cultural diversity can contribute to an inclusive vision of identity and citizenship in the Canada of tomorrow to allow for full participation by all. The Commissioner urges the federal government to fulfill its rightful leadership role in this respect.

CHAPTER III
PROMOTION OF LINGUISTIC DUALITY AND COMMUNITY DEVELOPMENT

CHAPTER III:
PROMOTION OF LINGUISTIC DUALITY AND COMMUNITY DEVELOPMENT

> *"LEADERSHIP IS THE ART OF MOBILIZING OTHERS TO WANT TO STRUGGLE FOR SHARED ASPIRATIONS."*
>
> JAMES KOUZES AND BARRY POSNER

The Parliament of Canada showed solid judgment in 1969 when it adopted the first *Official Languages Act* which provided linguistic duality with a solid legal basis.

This act subsequently led to a long series of changes that allowed Canada to achieve greater equality with respect to its official languages. The amendment to the Act made in November 2005 clarified the Government's obligations regarding Canadians' language rights. Today, federal institutions must take positive measures to promote linguistic duality and support the development of official language communities.

Linguistic duality, however, is more than a matter of rights. It is a source of wealth for all of Canada, not only because it contributes to diversity, but also because of the economic and social benefits it brings with it, both individually and collectively. Official languages are an essential component of Canada's identity and history and are apparent in many dimensions of Canadian life, be it trade, cultural industries, diplomatic relations, the media or the dialogue between members of the two language communities.

In its report *Languages: The Next Generation*,[1] the Nuffield Foundation noted in 2000 that knowledge of other languages should be considered a key skill alongside literacy and numeracy, given its direct contribution to competitiveness, intercultural tolerance and social cohesion.

English is not enough

"We are fortunate to speak a global language but, in a smart and competitive world, exclusive reliance on English leaves the UK vulnerable and dependent on the linguistic competence and the goodwill of others."[2]

Canada can find inspiration in this message of openness. Promoting English and French in Canadian society is a way of increasing human capital and knowledge, which are invaluable assets in the new economy.

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[1] The Nuffield Foundation, *Languages: The Next Generation* (London, 2000).

[2] *Ibid.*

Canada's dual linguistic heritage means it has a head start at the international level; however, it must learn how to take full advantage of this asset. Does Canada do enough to promote official languages and foster the development of official language communities. Is it doing enough to provide young people with the opportunity to move from one linguistic universe to the other through the use of the two languages in their family setting, at school or in their neighbourhood?

Official language communities are part of the Canadian experience and are one of Canada's most valuable assets. Their history, however, has been somewhat rocky, marked by its share of ups and downs. In many cases, the willingness of individuals to live in an official language community has not, on its own, been sufficient to ensure the development of the community. It has taken collective will, government support and even intervention by the courts for official language communities to flourish in their language and fully contribute to Canadian society. Progress has definitely been made in this respect, but there is still work to be done.

This chapter addresses the many issues associated with the promotion of linguistic duality and the vitality of official language communities.

PART 1:
THE PROMOTION OF LINGUISTIC DUALITY

There are a number of ways to promote linguistic duality. To begin with, the federal government, together with the provinces and territories, supports second-language learning across the country. Programs for learning a second-language are a tangible way of promoting linguistic duality, since they help foster dialogue, understanding and respect between the two language groups, as well as enabling Canadians to fully participate in Canadian society. They also help expand the pool of future bilingual employees in both the public and private sectors.

The federal government must also take measures to ensure that Canada's image abroad reflects the country's linguistic duality. It is common knowledge that Canada is often a model for language rights. Many countries look to Canada when developing language policies that show greater respect for national cultures and languages. However, to legitimately exercise this role, Canada must show exemplary leadership in terms of promoting the country's linguistic duality.

SECOND-LANGUAGE LEARNING

Approximately two million young Canadians learn French as a second-language through various programs: core French, intensive French or immersion. Another million young Quebecers are learning English as a second language at the primary and secondary levels. This variety of programs is a major achievement that gives Canadians the opportunity to learn the two official languages and it opens the door to the possibility of learning other languages.

Second-language learning is supported in part by **Canadian Heritage**'s Official Languages in Education Program[3]. Launched in 1970, this program is based on a cooperation agreement between the federal government and the provinces and territories. The federal government and the provinces and territories also sign bilateral agreements that describe the projects that have been undertaken and the expected outcome of investments. In addition to the funding normally granted under this program, the federal government allocated additional funds for education in the Action Plan 2003–2008. The objective stated in the Action Plan 2003–2008 is to double the proportion of young people between the ages of 15 and 19 who can speak both official languages, increasing the proportion from 24% in 2001 to 50% in 2013.

Generally speaking, federal funding for the provinces and territories must be used to improve education programs, increase the number of qualified teachers, encourage student exchanges and support research. Yet the manner in which school systems implement second-language learning programs varies considerably from one province or territory to another. This lack of consistency creates certain risks and challenges in terms of achieving the objectives set forth in the Action Plan 2003–2008 that pertain to the bilingualism of young graduates. As a result, the Commissioner encourages all those involved in second-language learning to mobilize and consult each other to address these challenges.

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[3] For a detailed study of the origin of the Program, see Matthiew Hayday, *Bilingual Today, United Tomorrow: Oficial languages in Education and Canadian Federalism* (Montréal: McGill-Queen's University Press, 2005).

The continuity of instruction

The Commissioner is particularly concerned about the interruption of second-language learning. Although governments invest in second-language learning programs, this type of learning is not mandatory throughout the country, nor within the school system as a whole. Currently, roughly only half of students in English-language schools are learning French as a second-language.

Despite the ambitious objective of doubling the number of bilingual young Canadians by 2013, data from the 2006 census reveals a worrying trend: over the past 10 years, bilingualism has lost ground among young Anglophones 15 to 19 years of age outside Quebec. After falling from 16.3% in 1996 to 14.7% in 2001, the level of bilingualism dropped even further, reaching only 13% in 2006. This trend is in sharp contrast to the constantly rising level of bilingualism among young Anglophones in Quebec.

That being said, many regions are still seeing a significant demand for certain second-language learning programs. For example, in 2005–2006, enrolment in French immersion programs increased 5.6% in British Columbia and 5.1% in Ontario.[4] However, these provinces, and others as well, have seen a decrease in enrolment in core French programs.

Also, many secondary school students abandon second-language courses in order to take courses in other fields that they feel will be more useful when they continue their education at a higher level. The number of students in Ontario who abandon French-as-a-second-language courses, and core French courses in particular, is worrying. On April 1, 2008, the province's Ministry of Education announced an organizational realignment. The goal of this important change is to improve the support mechanisms and delivery of French-as-a-second-language programs in primary and secondary schools.

Elsewhere in the country, the Commissioner notes that there are very few incentives to encourage young people to continue taking French-as-a-second-language programs. Data from the most recent census confirms that the level of bilingualism among young people starts falling after the age of 19, in other words, after they graduate from secondary school.[5]

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[4] For more information on this subject, see the Web site of Canadian Parents for French at **www.cpf.ca/english/Resources/Reports%20Index.htm**.

[5] According to data from the 2006 census, the proportion of bilingual Anglophones outside Quebec between the ages of 25 and 29 is approximately 12%, whereas 10 years earlier, in the 1996 census, 16% of these people, then aged between 15 and 19, reported being bilingual.

The Commissioner invites the provinces and territories to step up their efforts to ensure greater continuity in second-language instruction, from kindergarten until the students enter the labour market. Programs must be strengthened so that they produce positive results and support student retention. Of course, the quality of second-language courses and programs and the strengthening of these programs through opportunities for social interaction, cultural activities and exchanges are key factors for attracting and retaining young students.

The Commissioner has therefore undertaken a study on second-language learning opportunities in Canadian universities. Interest in this issue is partially a result of the high number of graduates of immersion programs and other French-as-a-second-language learning programs who are currently studying or about to begin studying at the post-secondary level. The new socio-economic situation brought about by globalization and the skills required for the knowledge economy, including language skills and openness towards other cultures, must also be taken into account. In addition, within the framework of public service renewal, the Government of Canada needs a pool of bilingual recruits.

It is one of the reasons that the Commissioner is concerned about the recommendations made by the commission charged with reviewing French-as-a-second-language programs and activities in New Brunswick[6] and the decision of the province's Minister of Education to end early immersion programs. A very large majority of experts still agree that immersion, and early immersion in particular, is the best way to learn a second-language. For example, in its action plan *Promoting language learning and linguistic diversity 2004–2006*, the European Commission writes that early language learning may result in greater knowledge and skills in terms of speaking, reading, writing and understanding. Learning a language at an early age also makes it easier to learn languages later in life. The Commissioner is, however, pleased that the Minister of Education has maintained the goal of having at least 70% of secondary school graduates who can function effectively in their second official language. This provincial target is significantly higher than the federal government's target, which is 50%.

According to the most recent report by Canadian Parents for French on French-as-a-second-language instruction in the country in 2006, 1.5 million primary and secondary students, or 39% of eligible students, are enrolled in core French programs. In addition, 390,000 students, or 8% of eligible students, are enrolled in French immersion programs.

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[6] See the New Brunswick Department of Education's Web site at **www.gnb.ca/0000/eng-cu-e.asp**.

Demand and access

Many young people learn their second-language in core French and French immersion programs. Yet, even more young people would do so if more resources and learning opportunities were available. In some areas, parents do not currently have access to French-as-a-second-language programs for their children. In 2007, the Canadian Council on Learning conducted a survey[7] of Canadians' attitudes about learning. According to the survey, although 24% of parents have enrolled their children in immersion programs, 25% of parents would have liked to have done so, but were unable to because no spots were available. In other cases, French-as-a-second-language programs are having difficulty surviving because of budget cuts.

Some language learning initiatives are successful. For example, the initiative of the Newfoundland and Labrador Centre for Distance Learning and Innovation is very popular in areas where there are teacher shortages or not enough students to fill classes. The Centre provides access to a comprehensive French program for all students in the province. This year, 103 schools and 1,300 students are participating in various programs. This online education model is interactive and takes advantage of new technologies. Students in these programs write the same provincial tests as the students who take these courses in schools.

Human resources

Throughout the country, those responsible for second-language learning programs face important challenges related to human resources. According to a study titled *Teaching French as a Second-Language in Canada: Teachers' Perspectives*,[8] teachers who teach French-as-a-second-language are concerned about the lack of financial and educational resources available to them. They also report problems related to supplementary resources available to them (such as computers, classrooms, specialized consultants to help students with special needs), support they receive from various groups (school administrations, guidance counsellors, parents and colleagues), teaching conditions and professional development opportunities. Moreover, the study states that 40% of French-as-a-second-language teachers have considered leaving their profession.

The study suggests a number of avenues for research and action to improve teachers' working conditions. More focus should, without a doubt, be placed on preparatory training for teaching staff, professional development, access to relevant resources and the need to raise the profile of French as a second-language in schools.

Given the shortage of qualified second-language teachers, the Commissioner is urging governments to improve training and professional development programs for these teachers. He also hopes to see the barriers between the provinces broken down to encourage mobility and the sharing of knowledge and skills in French as a second-language.

Learning through culture

Second-language learning should also take place outside the classroom. The Commissioner strongly encourages initiatives in this regard, such as cultural exchanges. These exchanges significantly increase self-confidence and motivation among young people to continue learning their second-language. Research shows that school exchanges of two weeks in length are enough to see results. In addition to improving language skills, these exchanges favour intercultural understanding and social cohesion.

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[7] Canadian Council on Learning, *2007 Survey of Canadian Attitudes toward Learding: Results for elementary and secondary school learning*, p. 8.

[8] This research report presents the results of a national survey of the difficulties faced by French-as-a-second-language teachers. The survey was conducted jointly by the Canadian Association of Second Language Teachers, the Canadian Teachers' Federation and the Canadian Association of Immersion Teachers with financial assistance from Canadian Heritage. In total, 1,305 French-as-a-second-language teachers participated in the survey, which was based on a representative sample of all the provinces and territories.

The Commissioner also encourages families to watch television and read newspapers in their second-language and participate in events organized by official language communities.

As part of the Rendez-vous de la Francophonie that took place from March 7 to 23, 2008, a theatre company performed a play in Canadian middle schools. Directed by France Levasseur-Ouimet from the University of Alberta's Campus Saint-Jean, the play called *Prends mes yeux, tu vas voir* was performed in approximately 50 schools throughout the country. If a French school wanted to host a performance of the play, it had to invite a class from an immersion school in the area. This practice proved to be an excellent cultural learning opportunity and a good way of encouraging closer interaction between the majority community and official language communities.

Program evaluation

In terms of second-language learning, there is good cause for ensuring more transparency and accountability. According to the Commissioner, it is imperative that governments develop standard methods and tools to evaluate the results of various second-language learning programs that are partly funded by the federal government. As well, the Commissioner is optimistic about the work of the Council of Ministers of Education, Canada, which is considering the possibility of establishing a common national framework to provide a common understanding of functional proficiency in the second-language and to allow students and teachers to track progress in language performance.

Research

In January 2008, **Canadian Heritage** hosted a symposium on official languages research issues. A number of issues were raised which related to research on second-language instruction. Little focused research has been carried out in this area, and the results of the studies that are published are not explained clearly enough or disseminated to those who might be interested in them. Yet research is a necessary tool of choice for evaluating and strengthening second-language learning programs.

To achieve the objectives set forth in the Action Plan 2003–2008, governments, school boards and everyone else involved in this area must work even harder to overcome existing obstacles and take advantage of all possible opportunities.

English-as-a-second-language instruction in Quebec

English-as-a-second-language instruction in Quebec is facing some of the same challenges as French-as-a-second-language instruction. While it is encouraging to see that English courses are now mandatory from the beginning of primary school, teaching methods are not uniform across all schools in the province. While the provincial curriculum suggests the number of hours that should be dedicated to teaching English as a second-language, schools are free to set their own standards.

Governments must address the many challenges related to learning a second-language in Canada. The Commissioner strongly believes that this issue must be given all the attention that it deserves if the goal of doubling the number of bilingual graduates is to be truly met.

LINGUISTIC DUALITY IN CANADA'S INTERNATIONAL RELATIONS

The Commissioner is highly interested in the contribution of our linguistic duality to Canada's international relations. After all, linguistic duality, as a fundamental component of Canadian identity, is a reflection of domestic reality and a national symbol. It is part of the Canadian brand and one of the traits that makes Canada stand out on the world stage. Linguistic duality must therefore be firmly rooted in the government's international policy objectives.

In 2004, the former Commissioner at the time published a study entitled *Doorway to the World: Linguistic Duality in Canada's International Relations*. In November 2007, the current Commissioner followed up on this study to determine to what extent the recommendations made in the 2004 study had been implemented by the three main institutions in question: **Foreign Affairs and International Trade Canada**, **Canadian Heritage** and the **Privy Council Office**.

Overall, the Commissioner noted unequal progress. Although there were improvements in some areas, the follow-up report identified some weaknesses and timid leadership in the coordination and orientation of policies and programs. The Commissioner hopes a more comprehensive and integrated approach to the management of official languages programs will be adopted in order to better promote Canada's linguistic duality abroad.

The Commissioner believes that **Foreign Affairs and International Trade Canada** has a particularly important role to play in this respect. The Department must adopt a comprehensive official languages strategy and must also ensure a better harmonization of its policies and programs so it can more adequately fulfill all of its language obligations.

The Commissioner expressed his disappointment and concern with the decision made by this Department to reduce the funding for the Public Diplomacy Program and cancel the Francophonie Promotion Fund. The purpose of the Fund was to highlight Canada's linguistic duality by supporting Francophone interests and by placing a certain amount of emphasis on building bridges within Canada's Francophone community. The Fund helped the Department promote linguistic duality in its international relations. According to the Commissioner, the decision to cancel the Fund contradicts the goal of fully integrating all the Department's language obligations, including the duty to take positive measures to promote linguistic duality. In his study, the Commissioner recommended that the Department assess the impact of this decision.

Moreover, the follow-up study noted that the **Privy Council Office** does not apply the same language standards for ambassadors and heads of missions appointed by the Governor-in-Council as **Foreign Affairs and International Trade Canada** does. The Commissioner observed that nothing has changed, since the **Privy Council Office** continues to appoint unilingual ambassadors by Order-in-Council, despite the 2004 recommendation. In the Commissioner's opinion, linguistic duality can only be conveyed in a meaningful manner by heads of mission who have an appropriate level of knowledge of both official languages.[9]

When the follow-up report was being prepared, meetings with representatives from **Foreign Affairs and International Trade Canada** and **Canadian Heritage** revealed the lack of communication between the two institutions on matters related to the promotion of linguistic duality abroad. This lack of cooperation concerns the Commissioner, since these two departments share significant responsibilities in areas such as cultural diversity, international trade and the Francophonie. The Commissioner cannot emphasize enough the importance of formalizing their cooperation on these matters. He expects a more integrated and comprehensive management of official languages in Canada's international relations.

STUDY ON BILINGUALISM AT THE 2010 OLYMPIC GAMES

Vancouver and Whistler, British Columbia, will be hosting the 2010 Olympic and Paralympic Winter Games. This event will be a golden opportunity for the federal government to showcase Canada's linguistic duality and cultural diversity worldwide.

The linguistic aspects of the Games have been the subject of discussion within the government for a number of years now. During the first session of the 39th Parliament, the Standing Senate Committee on Official Languages studied how the organizers of the 2010 Olympic and Paralympic Winter Games are taking official languages into consideration.

In November 2006, the Commissioner appeared before the Committee to give his opinion on the question of the broadcasting of the Games in English and French across Canada and on the role of official languages in the organization and planning of the event. He expressed concern about the possibility that the Games might not be broadcast equally across the country. He reminded Committee members that while CTV, the English-language broadcaster of the Games, TQS and RDS do not broadcast live in French across Canada. The Commissioner pointed out that Francophones in British Columbia who are not digital cable or satellite subscribers will not be able to watch the Games in their language of choice.

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[9] Office of the Commissioner of Official Languages, *Doorway to the World: Linguistic Duality in Canada's International Relations* (Ottawa, 2004), p. 43.

The Senate Committee made 10 recommendations to the federal government, the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games and **Canadian Heritage**. The recommendations concerned the broadcasting of the Games, the representation of the Canadian francophonie within the organization and during the Games, including during the programs for cultural celebrations, the clarification of the roles of the different partners and signage on main roads.

On August 13, 2007, the federal government responded directly to the Senate Committee. It stated that it "believes that the measures taken up to this point by the different partners to implement the commitments and requirements of the *Olympic Charter* and the *Official Languages Act* at every stage of the 2010 Winter Games [...] are quite promising."[10] The government also acknowledged that numerous challenges still needed to be addressed, especially the broadcasting of the Games across Canada. However, it feels that "incomplete OTA [over-the-air] coverage does not constitute an equitable access issue and that the existing legislative framework does not necessarily require free universal access to broadcasting signals."[11] The Commissioner continues to monitor the situation closely. He firmly believes that all Canadians must have equal access to the coverage of the Games.

As a result, the Commissioner has decided to conduct his own study on the preparations being made by the Organizing Committee of the Games. The purpose of the study is to examine how the Organizing Committee plans its activities so it can respect Canada's official languages obligations. More specifically, the study focuses on four areas: the participation of Francophone groups, means of communication, event commentary and sports commentary. It also defines best practices for fulfilling the requirements under the Act, identifies the main obstacles to achieving the objectives and makes recommendations to overcome these obstacles, if necessary.

The Office of the Commissioner hopes that this study will allow it to share its expertise on official languages and work with the main parties involved: the 2010 Olympic and Paralympic Winter Games Federal Secretariat, the Organizing Committee of the Games and the Francophone communities.

To date, the Commissioner has had excellent cooperation from the Vancouver Organizing Committee and remains optimistic that the event will adequately reflect Canada's reality in terms of services to the public and athletes and cultural activities. He hopes his recommendations will help organizers ensure Canada's linguistic duality shines on the world stage.

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[10] Canada, *Government Response to the Fifth Report of the Standing Senate Committee on Official Languages entitled Reflecting Canada's Linguistic Duality at the 2010 Olympic and Paralympic Winter Games: A Golden Opportunity* (Ottawa, August 2007), p. 4.

[11] *Ibid.*, p. 13.

PART 2:
THE DEVELOPMENT OF OFFICIAL LANGUAGE COMMUNITIES

"Community development" suggests a transition from a given situation to a better one, one with an enhanced vitality. This vitality is multi-dimensional and expresses itself in numerous areas of human activity, such as the economy, early childhood, health, the arts and culture, and post-secondary education. Official language communities often mobilize to demand public services in their language or to establish institutions, because they want to create public spaces where individual and collective identities can express themselves and flourish.

Numerous determining factors must be identified in order to have an impact on community vitality. To understand the complexity of community reality, research must be carried out that focuses on various areas or facets of life in official language minority communities, and the findings must be interpreted. This past year was especially productive in this respect.

2006 CENSUS

The demographic weight of Anglophones and Francophones

Data from the 2006 census[12] revealed that Canada is undergoing a profound transformation. A total of 18,056,000 Canadians now have English as their mother tongue (Anglophones) and 6,892,000 have French as their mother tongue (Francophones), up 3.0% and 1.6% respectively from 2001. It is also important to note that, despite a small increase in absolute numbers, the demographic weight of Anglophones and Francophones in the Canadian population has decreased slightly. Although Anglophones are still the majority, their demographic weight dropped from 59.1% to 57.8% between 2001 and 2006, whereas the Francophone population remained relatively stable, falling slightly from 22.9% to 22.1% during the same period. The rest of Canada's population is allophone, in other words, consisting of people whose mother tongue is neither English nor French.

The allophone immigrant population

Fluctuations in the demographic weight of official language communities are due to the rapid growth of the allophone immigrant population since the mid-1980s. Currently, 20% of Canadians (or 6,293,000 people) have neither English nor French as their mother tongue, an increase of 7% since 1986. Similarly, of the 1.1 million immigrants who entered Canada in the last five years, 81% are allophones.

Some people are concerned about the fact that the demographic weight of Anglophones and Francophones is decreasing in the population. Yet, this phenomenon is not exclusive to Canada. All countries that welcome immigrants have to deal not only with greater linguistic diversity, but also with cultural and religious pluralism. This situation is becoming more and more widespread around the world, and this increasingly complex linguistic portrait requires greater attention to the use of official languages in the public and private spheres. Immigrants have much to contribute to Canadian society and official language communities. Governments must therefore put the necessary structures in place to facilitate their integration into these communities. Allophones use one (or both) of Canada's official languages in public, and 46% of them speak English or French most of the time at home. This figure jumps to 68% when those who regularly use one of the two official languages are taken into account. As the data show, Canada's official languages are compatible with diversity, and enable Canadians to forge closer ties with one another.

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[12] Statistics Canada, *The Evolving Linguistic Portrait, 2006 Census*, Statistics Canada Catalogue no. 97-555-XIE (Ottawa, 2007). **www12.statcan.ca/english/census06/analysis/language/index.cfm**.

Bilingualism

The census data raise concerns about the demographic weight of Anglophones and Francophones over the last half-century, but also reveal some achievements, such as the increase in bilingualism. The proportion of Canadians who say they can carry on a conversation in English and French increased during the same period. Between 1951 and 2006, the number of bilingual Canadians increased from 1.7 million, or 12% of the population, to 5.5 million, or 17.4% of the population.

More specifically, between 2001 and 2006, the bilingualism rate increased from 9% to 9.4% among Anglophones, and from 11.8% to 12.1% among allophones. Nevertheless, Quebec is still home to the largest number of bilingual Anglophones, with 68.9% in 2006, compared with 66.1% in 2001. According to the Commissioner, these figures are evidence of this community's willingness to continue participating fully in Quebec society. However, if Quebec is excluded, only 7.4% of Anglophones say they are able to carry on a conversation in both official languages.

Official language communities

In Canada, close to seven million people have French as their mother tongue, including approximately 975,000 who live outside Quebec (5,000 fewer than in 2001). Francophones who live outside Quebec currently account for 4.1% of Canada's population. In terms of Quebec's Anglophone population, it is interesting to note that it is rising for the first time since 1950. A total of 607,000 people in Quebec have English as their mother tongue, and this number increases to 995,000 if those who have English as their first official language spoken are taken into account.[13]

Data from the 2006 census highlight the importance of reviewing the traditional definitions of the terms "Anglophone" and "Francophone" to adapt them to the changing realities of Canadian society. For example, as mentioned previously, allophones use official languages in the public sphere, nearly half of them speak either English or French most often at home and approximately two thirds of them use one of the official languages on a regular basis. Furthermore, the number of exogamous English-French households[14] is growing, as are households in which at least one of the members is allophone. Demographic changes in recent decades clearly show that the concept of mother tongue is no longer a sufficient indicator to account for the complexity of linguistic identity and language use in both the public and private spheres.

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[13] The first official language is a variable obtained based on responses to census questions regarding knowledge of official languages, mother tongue and home language.

[14] Used in this context, exogamy is the union of spouses with different mother tongues.

The census data provide a glimpse of the linguistic situation in Canada. Although the data are useful, they do not provide a complete portrait of the vitality of official language communities. A post-censal survey of the vitality of official language minority communities conducted by **Statistics Canada** addressed this shortcoming and expanded on the information gathered during the census.

Post-censal survey of the vitality of official language communities

In December 2007, **Statistics Canada** released the findings of the first-ever survey on the vitality of official language communities.[15] The survey was conducted in the fall of 2006 and was based on a sample of 53,156 official language speakers (30,794 adults and 22,362 children) living in a minority situation, in other words, in French-speaking communities outside Quebec and in English-speaking communities in Quebec.

The purpose of the survey was to identify trends by providing data on the various aspects of community life. The data make it possible for communities to be more aware of the factors of their vitality, to base their strategic decisions on facts and to set objectives. For government officials, the data are an unprecedented tool for developing public policy. It will now be easier to develop performance indicators, evaluate the impact of interventions and adjust programs or initiatives designed to promote the development of official language communities. Data from the survey will allow researchers the opportunity to develop new areas of study that will be useful not only for communities, but also for government interventions.

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[15] Statistics Canada, *Minorities Speak Up: Results of the survey on the Vitality of Official-Language Minorities*, Statistics Canada Catalogue no. 91-548-XIE (Ottawa, December 2007), **www.statcan.ca/english/freepub/91-548-XIE/91-548-XIE2007001.pdf**.

Main themes of the survey on the vitality of official-language minorities:[16]

- The sense of belonging and subjective vitality;
- The use of languages in daily activities;
- The accessibility and use of health care services in the minority language;
- The school attendance of children with one parent who belongs to the official language minority.

This survey represents a major step forward for the Official Languages Program. The Commissioner views the survey as a positive measure in itself. He wishes to point out that the initiative stems from the Action Plan 2003–2008 and that **Statistics Canada** carried out the project jointly with the **Official Languages Secretariat** and a number of federal departments and institutions, including the Office of the Commissioner.

Overview of the communities

The survey provides data on the actual and perceived reality of members of official language communities. The aspects of community vitality that the survey looks at include the use of language in daily activities, health care services, school attendance, the sense of belonging and the perceptions members of official language communities have of their own vitality.

After analyzing the data from the post-censal survey, the Commissioner has identified the following key messages:

- Members of official language communities identify with both language groups. In Quebec, nearly 40% of adult Anglophones identify with both language groups, while 78% of adult Francophones in minority situations indicate that it is important or very important for them to be able to use French in their daily activities.
- The environment influences the language behaviours of individuals in official language communities. In French-language communities, the higher the relative demographic weight of Francophones in the area in which they live, the more comfortable people feel using French in the public and private spheres. In the context of community development, this observation highlights the importance of creating spaces and infrastructure that foster the use of the minority language. The survey also shows that adults in Quebec's Anglophone community use English a great deal in their daily activities. The use of English appears to be less dependent on the relative demographic weight of Anglophones in the area in which they live.

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[16] *Ibid.*

- Hearing and speaking their second official language does not have the same effect on French-speaking adults as it has on English-speaking adults in a minority situation. The data show that, outside Quebec, the pervasiveness of English shapes language behaviours in the public and private spheres. However, in Quebec, even though young Anglophone adults are exposed to French from a young age, the effect of French on maintaining their maternal language appears to be minimal since these young people are nonetheless more comfortable in English. This phenomenon is referred to as additive bilingualism: Anglophones maintain their language while becoming increasingly bilingual.
- In some cases, perceptions do not reflect language behaviours. For example, outside Quebec, French is seldom used in daily activities, with the exception of some areas of New Brunswick and Ontario, and many people declare English as their principal language. Yet, these same people still identify with the Francophone community. In addition, many people consider respect for language rights in their province and access to government services and health care in the minority language important or very important. Responses from respondents in the Anglophone communities of Quebec are similar, but the proportions are higher.
- Adult Anglophones in Quebec are more pessimistic than adult Francophones outside Quebec about the progress of their language in the past 10 years and in the next 10 years. Among Francophone respondents, the level of optimism is directly proportionate to their demographic weight in the community. The same is not true in the English-speaking communities of Quebec: Anglophones in Quebec are less likely to perceive a connection between the demographic weight of their community and the community's vitality. These observations raise questions that are worth examining more closely.
- Education in the minority language is considered critical, as it plays a key role in future language behaviours.
- Parents believe it is important that their children speak French. More specifically, when they are in a minority situation, Francophones feel it is important for their children to speak their mother tongue, and Anglophones in Quebec want their children to learn French as a second-language. Given the clear importance being placed on French, the necessary structures should be put in place to better meet this need.
- When at least one of the two parents is Francophone, it is often desirable to enrol their children in a French school, but access to French schools is frequently a problem in minority setting. In fact, many parents who enrol their children in French immersion programs or in regular English programs would have preferred to send their children to a French school. These parents state that their children do not attend a French school because of the long distances that must be travelled, the absence of such schools close to their home or because they question the quality of education at these schools.

Community revitalization: Trends and opportunities for the English-speaking communities of Quebec

As a means to increase awareness of issues facing the English-speaking communities of Quebec and to mobilize its leaders, the Quebec Community Groups Network (QCGN) convened a national conference from February 29 to March 2, 2008, at the Université de Montréal.

Over 200 community leaders and government partners attended the event. The opening ceremonies were attended by both federal and provincial ministers as well as by Commissioner of Official Languages, Graham Fraser and former Commissioner Victor C. Goldbloom.

Participants took stock of recent challenges and accomplishments. They were presented with an evidenced-based account of the demographic and institutional vitality of English-speaking communities. The QCGN provided an opportunity for community leaders to suggest courses of action for the future in key vitality sectors such as demography, health, education, justice and leadership.

The QCGN reaffirmed its place as a common policy forum for the anglophone community, capable of mobilizing key partners and debating issues. It also stressed the importance of more citizen participation in the decision making process, of building capacity within organizations and of fostering a common approach to issues facing the English-speaking communities.

The QCGN intends to follow through, with all of its partners, on the key courses of action proposed during this conference. Suggested courses of action will be brought before community leaders in the near future.[17]

The conference proceedings were published with the assistance of the Centre d'études ethniques des universités montréalaises, a key partner of the event.[18]

The publication of the final report of the Greater Montréal Community Development Initiative in September 2007 is also worth noting. This report identifies the priorities and issues the English-speaking communities in Greater Montréal all have in common and recommends a more collaborative community leadership strategy be put in place. A conference is planned for late April 2008 to continue and expand the dialogue on this subject.

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[17] For more information on these specific courses of action, visit the QCGN's Web site at **www.qcgn.com/page.asp?intNodeID=18153**.

[18] To read the conference proceedings, visit the Web site of the QCGN or Centre d'études ethniques montréalaises at **www.ceetum.umontreal.ca/english/home.htm**.

The Commissioner also notices that there are significant differences not only from one province to another, but also among regions in a given province. This situation is particularly true in Quebec, where most of the Anglophone community is concentrated in Greater Montréal. Each community is unique and faces its own challenges. It would therefore be worthwhile to take into account these many realities to support the Anglophone minority and build a stronger Canadian francophonie.

In summary, the survey on the vitality of the official-language minorities shows that the vitality of communities is more than just the language spoken in the home or the mother tongue. As highlighted in the Office of the Commissioner's 2005–2006 Annual Report, many factors contribute to ensuring that a community is healthy, strong and capable of addressing the challenges it faces.[19] It also shows that the government and community stakeholders must examine the many issues related to vitality, including education in the minority language, access to government services, health care, the sense of belonging and subjective vitality. Together with the census data, the data from the survey also make it possible to identify the sectors that require investments: early childhood, the arts and culture, renewal in aging minority communities, economic development and welcoming newcomers in official language communities.

The Francophone and Acadian Community Summit

In June 2007, the Fédération des communautés francophones et acadienne (FCFA) organized the Francophone and Acadian Community Summit, which brought together approximately 750 people from all of the communities to reflect on community development and better align efforts being made by the organizations.[20] Before the Summit took place, the Fédération organized open consultations in communities to develop an overview of their recent evolution and discuss the future. It was therefore able to identify the key issues and set courses of action.

The Summit provided the Francophone and Acadian communities with the opportunity to develop a common vision for development, discuss the possibilities and validate strategic objectives. In a way, it reflected the common desire to promote a joint approach to development that aligns both national and local plans. The final declaration of the Summit, which was signed by 33 organizations, is a collective commitment to take firm action toward a better future. Francophone and Acadian communities all aspire to be able to live in French at all times.

The Fédération hopes to maintain this momentum and the commitment made at the Summit in the coming years. The leaders' forum, which brings together 40 organizations, is working on the community strategic plan and hopes the governments will play an active role.

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[19] Office of the Commissioner of Official Languages, *2005–2006 Annual Report* (Ottawa, 2006), p. 35.

[20] The proceedings of the Francophone and Acadian Community Summit are available on the Web site of the Fédération des communautés francophones et acadienne at **www.fcfa.ca/media_uploads/pdf/698.pdf** (in French only).

In a report published in May 2006 titled *A Sharper View*,[21] the Office of the Commissioner invited all participants—communities, governments and researchers—to take ownership of the results of the post-censal survey and take measures to foster greater community vitality.

In order to do so, communities and researchers must work together to ensure that the data is understandable and disseminated. If communities are to have more influence over the conditions that have an impact on their vitality, they must first be able to understand the existing situation.

Since an enormous amount of data remains to be analyzed, researchers must take action to develop new avenues for research, better understand vitality and suggest measures to strengthen vitality. The Commissioner hopes that the analysis will shed new light on the issues mentioned and many others, such as the linguistic trajectory of the family and the various aspects related to the ability to live in the minority language, more specifically the intention of young people to pursue post-secondary education, access to health care services and the communities' consumption of media products in their language. Various comparisons by region, age group, gender and other socio-demographic variables can be made. A better understanding of these issues would be of great use to the communities, as it will allow them to not only better understand themselves, but also assess their successes, identify where improvement is required and solidify their approaches with decision makers.

Governments must also participate in this reflection and collective effort. Federal institutions in particular must use the survey data to critically evaluate their methods of intervention. Institutions may also develop positive measures based on this new knowledge and on community priorities. Finally, the federal government must consider gathering data on official language communities as a permanent exercise. It will be important to renew the survey to gather additional data on official language communities so the progress that is made can be better evaluated.

Success story: The French Language Services Commissioner of Ontario

On August 1, 2007, the Government of Ontario announced the appointment of François Boileau as the first French Language Services Commissioner. The main functions of the Commissioner are to investigate and report on compliance with the *French Language Services Act*, to monitor the progress of government institutions in the province subject to the Act and to advise the Minister Responsible for Francophone Affairs on related issues. The Commissioner must also submit an annual report to the Minister for tabling in the Legislative Assembly. The creation of this position is a major step in ensuring that Francophones in Ontario are offered the services to which they are entitled.

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[21] Office of the Commissioner of Official Languages, *A Sharper View: Evaluating the Vitality of Official Language Minority Communities* (Ottawa, 2006).

STUDIES ON COMMUNITY VITALITY: STAKEHOLDERS SPEAK UP

Over the past year, the Commissioner continued his research program on the vitality of official language communities. In the fall of 2007, he published three successive studies on the vitality of Francophone communities in urban settings (Winnipeg, Sudbury and Halifax).[22] These studies highlighted the factors that contribute to the success of these communities and identified vitality indicators in four areas of activity: community governance, government services, immigration and health.

The studies took a participatory approach, in which community players were able to establish the main vitality factors for their community themselves. The field work was thus in line with ongoing development efforts at the local level in the areas under study. The studies enabled community stakeholders to further reflect on the challenges related to vitality, how to take part in their development and how to measure progress over time.

The study results are also relevant for public institutions, which often have difficulty understanding or clearly identifying community needs. When community members agree on the challenges and vitality objectives in a given area, dialogue and partnerships with governments become easier and more productive. Considering their obligations, federal institutions should pay special attention to the efforts being made on the local and regional level to mobilize the community.

Several months after being published, the Commissioner's studies continue to attract interest and fuel discussions in communities in Sudbury, Winnipeg and Halifax. Some community leaders have revised or completely overhauled their community development strategic plans, based on the studies. In Sudbury, for example, leaders are preparing a multi-sectoral development plan for the community. With guidance from the Réseau de développement économique et d'employabilité de l'Ontario and the Association canadienne-française de l'Ontario du Grand Sudbury, intersted groups and individuals are looking at organizing a general assembly in June 2008.

The Commissioner continued his study on vitality in 2007 by beginning a review of the situation in three English-speaking communities in Quebec: the Eastern Townships, Québec City and the Lower North Shore. By taking a participative approach similar to the one adopted in 2006 for Francophone communities, the Commissioner has been able to determine the vitality indicators in various areas of activity.

The study allowed participants from the three English-speaking communities to draw attention to and better understand the realities they face. The three communities under study place a great deal of importance on issues related to young people and health and social services, but the arts and culture, economic development, visibility, leadership and community renewal have also been looked at. In addition, the study showed just how much people care about their community and what they are willing to do to ensure its survival. Leaders are trying to mobilize their community, despite the low demographic weight, the lack of local cultural structures and the exodus of young people. The Office of the Commissioner's study provided an opportunity for stakeholders from the communities under study to develop tools for intervention and measuring vitality.

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[22] Information on these studies can be found on the Office of the Commissioner's Web site at **www.officiallanguages.gc.ca/html/etudes_studies_e.php**

Vitality studies of minority Anglophone and Francophone communities are a springboard for dialogue among those involved: the communities, governments and researchers. The Commissioner intends to continue his reflection and promote discussion on this subject.

Success story: Lower North Shore Anglophone community forums

In March 2006, the Lower North Shore Community Economic Development and Employability Committee organized Celebration 2006, a series of community forums in each of the five Lower North Shore municipalities. The objective of Celebration 2006 was to gather ideas and enlist support from community members to enrich the region's social development plan, which places a priority on long-term development and stability. A first for the Lower North Shore, this activity brought together community members who examined the possibility of leveraging their community's assets and taking advantage of the opportunities that were available to ensure their development. The main themes discussed were tourism, communications and cooperation among communities.

The forums allowed participants to set local development priorities. They also served as a basis for the regional economic forum, which was held in Chevery on February 7 and 8, 2008, by the Lower North Shore Council of Mayors. **Canada Economic Development for the Regions of Quebec** and public and private organizations contributed financially to this initiative.

As a result of this initiative, eight local development plans and a regional development strategy are being created. They aim to promote the implementation of concrete community initiatives and projects that address the unique socio-economic needs of Lower North Shore communities.

STUDY ON FUNDING AGENCIES

Research is undeniably an important pillar of community vitality. It helps communities to better know and recognize themselves, and helps governments understand the needs and issues of these communities. However, conducting research and disseminating the results are activities that require time and effort. Researchers therefore require financial support structures to do so. In 2007, the Commissioner examined the role of federal research funding agencies in the promotion of official languages.

Federal funding agencies are some of the federal institutions that must review their policies and programs in light of Part VII of the Act to ensure that official language communities receive treatment that is equal to that received by majority communities. The Commissioner closely examined this issue to see whether these agencies are fulfilling their responsibilities in terms of support for researchers in official language minority situations and official languages research.

The study found that researchers in small official language minority universities face many barriers. The researchers who were interviewed emphasized the difficulties inherent to research in small post-secondary institutions in minority situations. At the national level, English still dominates as the language of publication; moreover, peer committees do not always have the skills required to assess grant applications submitted in French, and they are unaware of the specific realities of their colleagues who want to work in French, who work in small official language minority institutions or who study issues related to official languages. Small educational institutions must also deal with the lack of research infrastructure, the physical and intellectual isolation of researchers from the rest of the scientific community and heavier teaching and administrative workloads. In the case of Quebec, the study pointed out the lack of research on the Anglophone community and the lack of a research institute or network dedicated to Anglophone communities. In short, researchers from official language communities must overcome serious challenges.

Nevertheless, the Commissioner sees encouraging signs. First, the study found that funding agencies have adopted several best practices. For example, some have committed to integrating official language communities and linguistic duality into their research plans and placing more importance on them.

In addition, the willingness of the parties involved to work together is palpable. At a November 2006 discussion forum, researchers and funding agencies proposed innovative ideas and practices to encourage research in institutions in minority settings and promote research related to linguistic duality.

In January 2008, after analyzing the challenges and best practices, the Commissioner published a report titled *The Role of Canadian Federal Research Funding Agencies in the Promotion of Official Languages*.[23] He made nine recommendations, eight of which were addressed to federal research funding agencies.

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[23] Information on these studies can be found on the Office of the Commissioner's Web site at **www.officiallanguages.gc.ca/html/etudes_studies_e.php**.

Example of a measure resulting from the Canadian Institutes of Health Research action plan

In June 2008, the Canadian Institutes of Health Research (CIHR), in cooperation with the University of Ottawa, will host a summer institute that focuses on health in official language communities in order to increase the number of researchers interested in this field of research. The CIHR will hold a summer institute on research into health issues in official language communities every three years thereafter.

It did not take long for this report to make an impact. The Canadian Institutes of Health Research (CIHR), an agency with the mandate of supporting health research that improves Canadians' health, reacted quickly. In February 2008, CIHR proposed an action plan that made a variety of improvements to its Research Initiative on Official Language Minority Communities, which was launched in 2004. The plan consists of five concrete objectives and specific performance indicators to maintain the current best practices and adopt others.

There are other examples of productive partnerships between institutions that benefit communities. Symposium on Official Language Research Issues brought together over 165 community stakeholders, researchers and government decision makers from across the country in January 2008. Its goal was to identify the main challenges faced by those involved and explore courses of action to encourage research on official languages and linguistic duality. The Interdepartmental Coordinating Committee on Official Languages Research is currently studying the results of the Symposium.[24]

STUDY ON THE ARTS AND CULTURE

Official language communities recognize the vital role the arts and culture play in developing a strong sense of belonging to a community and a language group. Artistic and cultural activities are considered important retention factors in small communities because they improve the quality of life and contribute to the economic vitality of the community. Yet artists and arts and culture groups that work in official language communities face specific challenges, including restricted markets, the difficulty of promoting themselves across Canada, and the lack of cultural resources and infrastructure to name just a few.

The Commissioner examined in this issue over the past year. He wondered if federal programs are sufficiently supporting the arts and culture in official language communities. He therefore commissioned a study of federal programs that give direct support to artists and arts and culture organizations, in particular the support programs provided by **Canadian Heritage**, the **Canada Council for the Arts**, the **National Film Board**, **Telefilm Canada**, the **National Arts Centre** and the administrators of the **Canada Music Fund**, FACTOR and MUSICACTION.

The study found that several measures have been taken in recent years to increase and improve support for artists and organizations that work in official language communities. For example, the Interdepartmental Partnership with the Official-Language Communities and the Multipartite Cooperation Agreement on Culture have had a positive impact. Over the past 10 years, a net increase in investment in the arts and culture in official language communities has been evident. However, the Commissioner now observes a certain amount of ground has been lost in a number of programs.

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[24] The presentation made at the Symposium can be consulted on the Web site of the Canadian Institute for Research on Linguistic Minorities at **www.cirlm.ca/index.php?lang=en**.

In certain cases, programs have been modified to offer improved support or support that is better adapted to the needs of artists and communities. For example, the Book Publishing Industry Development Program uses a special formula to calculate grants for linguistic minority publishers. However, there are very few of these programs and there is no comprehensive policy or long-term investment plan. As a result, the arts and culture sector in official language communities cannot overcome the obstacles it faces or ensure its sustainability.

The other underlying issues in the arts and culture sector include the following:

- Insufficient cultural infrastructure in small communities;
- The lack of visibility of artists in official language communities within their own language community and the majority community;
- Current funding methods that do not allow organizations to plan for long-term growth;
- Program criteria that are sometimes limiting;
- The lack of representation within certain organizations.

The Commissioner therefore made a series of recommendations to promote the development of a new vision of the arts and culture in official language communities. He was pleased to learn that Bernard Lord recently recommended that the arts and culture be included in the initiative that will replace the Action Plan 2003–2008.

Success story: Bilingual services in official language communities

A number of Francophone municipalities and organizations in a minority context have launched projects in recent years to increase the availability of bilingual services in their communities. The following are two notable examples that are considered best practices by **Canadian Heritage**:[25]

- The Association des francophones de Nanaimo developed an action plan, in partnership with the Société de développement économique de la Colombie-Britannique and Tourism British Columbia, to attract Francophone tourists to the region. The partners launched a marketing campaign aimed at businesses that could provide services to Francophone tourists during or after the Vancouver Olympic Games. Many services are available free of charge to businesses that participate in the initiative, including access to the "Bonjour" telephone line that allows representatives to answer customers' questions in French, a logo that indicates the level of service available in French, employee awareness workshops and training sessions for business people.
- The Avantage Saint John Advantage project in New Brunswick is also making waves. The Association Régionale de la Communauté Francophone de Saint-Jean, Entreprise Saint John and the Saint John Board of Trade have worked together to launch this project, which aims to increase the bilingualism of city businesses. Many marketing tools have been developed, including a directory of bilingual businesses, posters, awareness kits and a logo. The project also aims to attract businesses that favour bilingualism and encourage young people to become bilingual. The school board and Canadian Parents for French have launched an awareness campaign, "Continuer en français," to make young people aware of the usefulness of French in the workplace.

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[25] For more information on other initiative identified as best practices by Canadian Heritage, see the Department's Web site at **www.canadianheritage.gc.ca/progs/lo-ol/sb-bs/bestpract_e.cfm**.

CONCLUSION

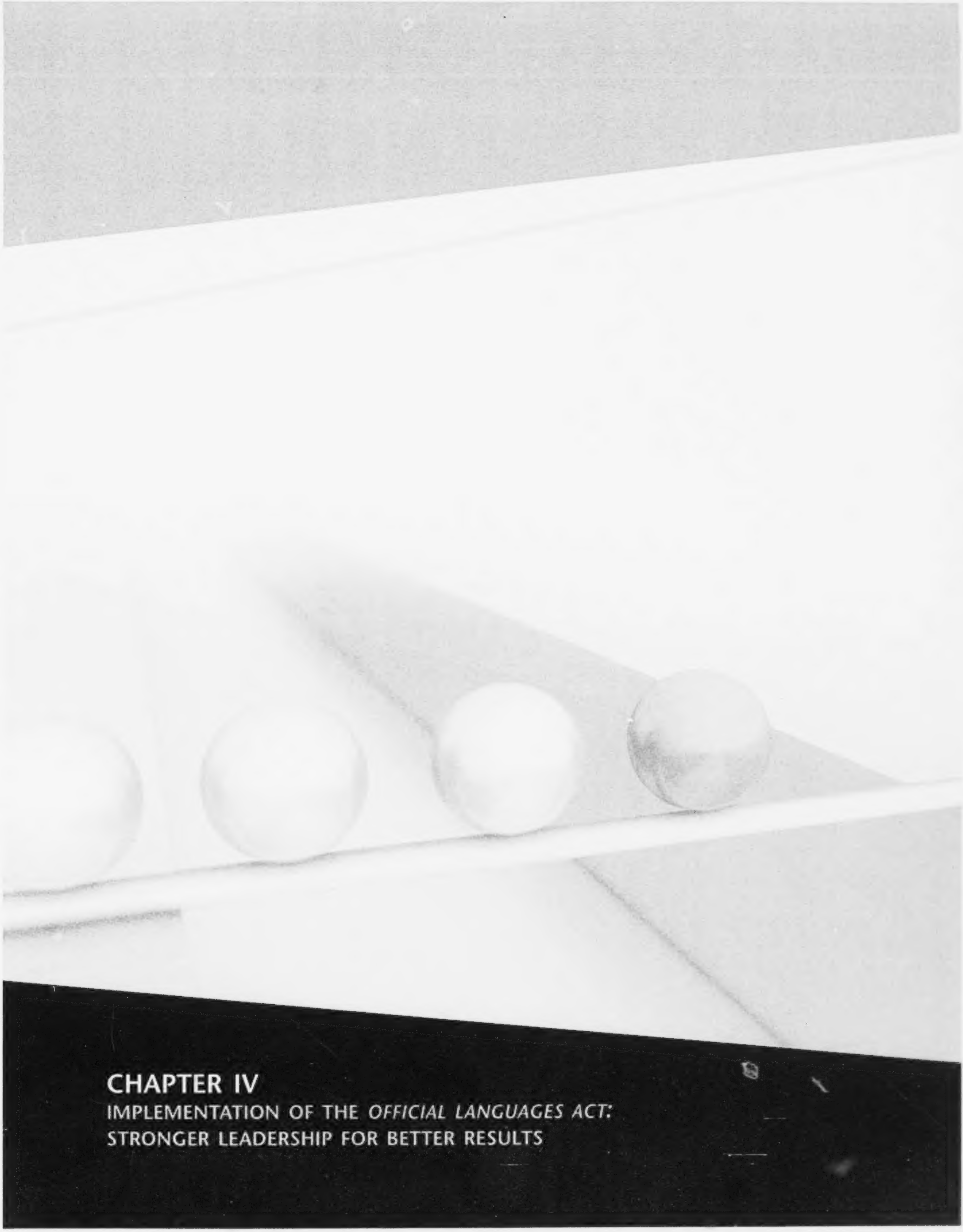
By amending the *Official Languages Act* in 2005, Canadian parliamentarians strengthened their commitment to the promotion of English and French in Canada. As a result, they clarified and strengthened federal institutions' obligations in promoting linguistic duality and developing official language communities. This chapter shows that the government has not made the most of the potential of these amendments to the Act and that federal institutions still have more work to do to fulfil their commitment to Parliament.

More work remains in the area of second-language learning in particular. In this regard, the federal government's efforts must complement those of the provincial and territorial ministries of education, which are responsible for managing second-language learning programs. In fact, there are still many barriers to mobility, exchanges and ensuring second-language learning is an important part of the curriculum. In addition, it would be appropriate to improve the quality of and access to second-language learning programs and promote better cooperation among school administrators, teachers and ministerial authorities.

Moreover, it is important that Canada's image abroad reflect its linguistic duality. Canada's diplomatic corps and the organizers of the 2010 Olympic Games must present an accurate portrait of the country's linguistic duality.

This chapter dealt with many issues related to the vitality of official language communities. Statistical data and studies carried out by the Office of the Commissioner remind all parties involved—communities, government institutions and researchers—of the importance of their contribution to the collective knowledge on the vitality of these communities. Through collaboration and partnership, everyone can improve the process that opens the way to increased vitality.

Many challenges must still be overcome in terms of linguistic duality and community vitality. Since the Action Plan 2003–2008 must be renewed, the Commissioner sees a unique opportunity to give new momentum to the advancement of official languages. He welcomes Bernard Lord's report on his consultations, and hopes that the Minister for Official Languages implements its recommendations as quickly as possible, so official languages can progress.



CHAPTER IV

IMPLEMENTATION OF THE *OFFICIAL LANGUAGES ACT*: STRONGER LEADERSHIP FOR BETTER RESULTS

CHAPTER IV

IMPLEMENTATION OF THE *OFFICIAL LANGUAGES ACT*: STRONGER LEADERSHIP FOR BETTER RESULTS

> *"THE OMBUDSMAN MUST DISTURB THE ADMINISTRATION, OTHERWISE IT WOULD BE USELESS FOR HIM TO EXIST; BUT HE MUST NOT DISTURB IT TOO MUCH, OTHERWISE IT WOULD QUICKLY BECOME IMPOSSIBLE FOR HIM TO ACT."*
>
> **ANDRÉ LEGRAND**

As the previous three chapters have shown, strong leadership is needed to overcome a number of the challenges that federal institutions face regarding official languages.

Because Canadian society is evolving—and the federal public service with it—these institutions will have to adapt to new realities and changing expectations of Canadians towards their government.

At the same time, institutions will be called upon to take into account the rights and values on which official languages policies and legislation are based as well as the need to ensure the full application of the law. When senior officials and public servants show strong leadership in recognizing these rights and values and in ensuring that they are respected, then federal institutions will achieve better and lasting results for Canadians.

The Commissioner recognized these new realities and, as outlined in Chapter I, he is changing the way in which he carries out his ombudsman role, adding new approaches to resolving complaints and focusing greater efforts on preventing non-compliance. In the spirit of this renewed approach, this chapter will present results and analyses for the last year as well as examine several trends over a number of years. It will also examine institutions or themes that warrant special consideration. By giving the reader a glimpse of the bigger picture of the official languages issues being studied, the Commissioner hopes to raise awareness and inspire institutions to show stronger leadership in areas that are highlighted as problems year after year.

THE MAJOR OFFICIAL LANGUAGES STORY OF 2007–2008

In October 2007, the Commissioner released his final investigation report on a variety of decisions the federal government made as a result of an expenditure review conducted in 2006.[1] The investigation stemmed from 118 complaints that the Office of the Commissioner of Official Languages received from concerned individuals and organizations about the implications of the budget cuts and related changes affecting the vitality of official language minority communities in Canada. The significance of many of the decisions, the broad scope of the investigation and the potential far-reaching impact of the Federal Court decision for years to come make this the major official languages compliance story of 2007–2008. Above all, this story highlights the need for stronger leadership from the federal government in the implementation of the Act.

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[1] A preliminary investigation report was also sent to complainants and institutions implicated in May 2007.

The Government of Canada's 2006 expenditure review led to a number of budget cuts and related changes to a variety of federal programs and offices, including the elimination of the Court Challenges Program and cuts to Status of Women Canada; the Canada Volunteerism Initiative; the Adult Learning, Literacy and Essential Skills Program; youth employment programs; the Public Diplomacy Program; the Museums Assistance Program; Canadian foreign missions; and the Canadian Policy Research Networks. The complainants alleged that a number of the expenditure decisions made by the federal government were in violation of the *Official Languages Act*, notably the obligation of federal institutions to take positive measures to enhance the vitality of official language communities in Canada and to promote linguistic duality in Canadian society. After closely examining nine of the expenditure review decisions, the Commissioner determined that the complaints were founded and that although the impact of expenditure review decisions on official language communities varied, the needs and interests of these communities were not given due consideration in the decision-making process that led to the results of the 2006 review.

The government's decision to eliminate the Court Challenges Program, the central concern of most complainants, stood out among the expenditure review decisions. The Commissioner's investigation report includes a comprehensive analysis of the Program showing that its significant contribution to the advancement of language rights in Canada over the years is unquestionable. Indeed, the Program was linked to virtually all major court decisions on minority language rights in Canada since 1994.

Other affected programs, such as those offered by **Status of Women Canada,** were also identified as being particularly important to official language communities. During his investigation, for example, the Commissioner learned that Francophone women's groups rely on funding from **Status of Women Canada** to help them bear the responsibility for the transmission of language and culture that extends beyond that borne by majority-language women's groups. These groups also tend to fill gaps in French-language social services for women where other government support is primarily delivered in English.

While the Commissioner fully acknowledges the government's right to govern and to revise its priorities, policies and programs, government actions should nonetheless respect the law, in this case the *Official Languages Act*. It has now been 20 years since provisions related to the advancement of English and French were added to the Act, and nearly three years since Parliament strengthened the federal government's obligation by adding the notion of positive measures and allowing this part of the Act to be subject to court remedy. However, the Commissioner's investigation into the expenditure review shows that the provisions for supporting official language communities remain outside the decision-making process when it counts the most.

In his final investigation report on the 2006 expenditure review, the Commissioner recommended a series of corrective measures, beginning with **Treasury Board Secretariat** and **Canadian Heritage** conducting a thorough assessment of the impact of the decisions in the context of the review, with priority assigned to the elimination of the Court Challenges Program. The Commissioner also recommended that the results of this assessment be submitted to the President of the Treasury Board to provide the basis for a government review of the decisions and that steps be taken to ensure that future expenditure reviews fully comply with Part VII of the *Official Languages Act*.

Without commenting specifically on the Commissioner's recommendations, the federal government challenged his conclusion that there had been an infraction of the Act. One of the key expenditure review decisions, the elimination of the Court Challenges Program, was brought before the Federal Court of Canada in February 2008[2] following an application by the Fédération des communautés francophones et acadienne du Canada for court remedy under the Act. The Federal Court ruling will, for the first time, give the courts an opportunity to clarify the scope of the obligations of federal institutions under the amended Act.

Understanding the considerable impact that this case will have on federal institutions and official language communities for years to come, the Commissioner filed a motion to intervene in the proceedings. As an intervener, the Commissioner argued that the duty to take positive measures imposes a twofold obligation on federal institutions: to not adversely affect the development of official language communities and to take concrete measures to ensure the vitality of these communities. In order to carry out this duty, institutions must therefore have a thorough understanding of the needs and particular interests of these communities, and how the decisions of these institutions may affect community development.

As for the other decisions made during the expenditure review and examined in the investigation report, the Commissioner is closely following the federal government's actions and is considering all the options at his disposal to follow up the report recommendations. This could include, for example, a special report to Parliament or to the Governor-in-Council.

LESSONS LEARNED

This compliance story illustrates the need for stronger leadership at both the political and administrative levels to ensure that the decision-making processes of all federal institutions and the government as a whole comply with the letter and spirit of the Act. When making major decisions, such as budget cuts or the creation or elimination of programs, decision makers must take into account and understand the needs of official language communities[3]. This reflex is all the more important given Parliament's decision in 2005 to strengthen the provisions of the Act related to the advancement of English and French.

What does the obligation to consider the needs of official language communities mean for federal institutions facing budget cuts or program reviews? There is a clear need to assess the potential impact of any review on an institution's ability to carry out its official languages obligations. Such an assessment, which should be carried out with proper consultation, must be consistent with the principles, laid out by the Commissioner in last year's annual report, for the implementation of Part VII of the Act. The three principles address the need for institutions to adopt a Part VII reflex, ensure the participation of Canadians and have a continuous process for improving the programs and policies that relate to Part VII.

In addition, as mentioned in Chapter I, in May 2007, **Canadian Heritage** released the *Guide for Federal Institutions*[4] (the Guide) for the implementation of the amended Part VII. The Guide lists a number of key questions to consider when making important decisions, such as those regarding the adoption, review or elimination of policies or programs. It also encourages institutions to conduct impact assessments, support decisions with research, consult appropriate interested groups and individuals and take measures to counteract any potential negative impact. Showing leadership by asking some of these key questions will go a long way to ensuring that future reviews—whether government-wide or specific to an institution—respect the obligations set out under the Act.

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[2] *Fédération des communautés francophones et acadienne du Canada v. Her Majesty the Queen*, F.C. No. T-622-07.

[3] For more information on this subject, see Chapter II, p. 51.

[4] The Guide is available on the Canadian Heritage Web site at **www.pch.gc.ca/progs/lo-ol/outils-tools/tdm_e.cfm**.

Key questions for institutions to consider when making decisions such as adopting, reviewing or eliminating a policy or program (from the *Guide for Federal Institutions*)

1. What impacts could the initiative have on official language minority communities, and on fostering the full recognition and use of both English and French in Canadian society?
2. What research activities could be undertaken to validate this preliminary assessment of impacts?
3. What actions could be taken to consult official language minority communities, [...] or key stakeholders involved in the promotion of official languages?
4. If it has been established that the initiative could have a negative impact on the development of minority communities or on the promotion of linguistic duality, [...] which measures are planned to counteract any identified disadvantages?

In light of the investigation into the 2006 expenditure review and its conclusions, the Commissioner urges the federal government to take the necessary corrective measures to fully respect the *Official Languages Act*. Federal institutions could begin by following the three principles that he laid out in last year's annual report, and by asking themselves some of the questions in the Guide concerning the adoption, review or elimination of a policy or program when conducting similar reviews in the future.

The 120-day timeframe for implementing three recommendations contained in the final investigation report expired in early February 2008. In its subsequent response to a follow-up request by the Commissioner, the government reiterated its commitment to implement fully its Part VII responsabilities, citing a recent example of consultation and the possible development of new tools to assist federal institutions in fulfilling their linguistic obligations. However, the government remained silent on the Commissioner's recommended corrective actions. As he considers other options, the Commissioner has decided to use his annual report to reinforce one of his recommendations and to call for clear action from the government. More specifically, he calls upon the Secretary of the Treasury Board to take action to prevent similar situations of non-compliance with the Act in future expenditure or similar reviews.

RECOMMENDATION

The Commissioner recommends that the Secretary of the Treasury Board demonstrate, by December 31, 2008, that the Secretariat (the lead federal institution for expenditure review) has taken the necessary steps to ensure expenditure and similar reviews within the federal government are designed and conducted in full compliance with the commitments, duties and roles prescribed in Part VII of the *Official Languages Act*.

PART 1:
OVERVIEW OF THE IMPLEMENTATION OF THE *OFFICIAL LANGUAGES ACT*

THE COMMISSIONER'S TOOLS FOR ENSURING COMPLIANCE

The Commissioner uses a variety of means to ensure compliance with the *Official Languages Act*, assess the performance of federal institutions and respond to complaints and questions from the public about official languages. The tools presented in this section allow the Commissioner to obtain an overall portrait of how federal institutions fulfil—and understand—their official languages obligations, and what areas require stronger leadership from administrators to fully respect the letter and spirit of the Act. They also provide him with the necessary information to help him decide where proactive and preventive interventions might be valuable, whether to address or prevent a particular problem or to improve an institution's performance.

The Commissioner takes preventive action by intervening when a given institution may have to take certain measures in response to a systemic problem or to prevent situations of non-compliance. The Commissioner can also intervene on his own initiative when he is informed by the public or the media of a possible infraction before a complaint is filed. Each year, the Commissioner also audits a number of federal institutions to better understand particular problem areas related to the implementation of the Act and to obtain public commitments from senior officials in these institutions to improve those areas where gaps were identified. The Commissioner reviews the performance of several institutions and issues annual report cards that assess the institutions' performance with key areas of the Act. As language ombudsman, the Commissioner responds to requests for information about official languages from Canadians and investigates complaints regarding the implementation of the Act. Finally, when an institution does not take the necessary measures to follow up on the Commissioner's recommendations or in other circumstances deemed appropriate, he may seek leave to intervene before the courts in actions undertaken by a complainant. This power is exercised when most other available options have run out or when the action raises important legal questions regarding the interpretation of the Act.

The information gathered through this range of interventions is brought together and analyzed to obtain a broader portrait of the official languages environment and compliance issues of a given year. It also allows the Commissioner to work strategically with certain institutions in a spirit of prevention and collaboration.

OVERALL PORTRAIT FOR 2007–2008

Complaints received in 2007–2008

Between April 1, 2007, and March 31, 2008, the Office of the Commissioner of Official Languages received 884 complaints from the public regarding the implementation of the *Official Languages Act*. When a complaint is first received under the current process, a decision is made as to whether it is considered admissible. A complaint is admissible when it meets the following criteria: it relates to an obligation set forth in the Act, it involves an institution subject to the Act and it concerns a specific incident. Of the 884 complaints received in 2007–2008, a total of 634, or 72%, were deemed admissible.

This year, a total of 86 institutions were the subject of the 634 admissible complaints that the Commissioner examined. Of these complaints, more than half implicated only ten institutions. Not all the investigations that determine whether or not the complaints are founded[5] have been completed. Still, the large number of complaints received for so few institutions is indicative of which institutions must show stronger leadership in the coming year to improve their compliance with the Act. Most of these institutions are in frequent contact with the general public, therefore, they must pay special attention to their obligations under the Act and the language rights of the public they serve. The Commissioner expects these institutions to take action to address the key issues that led to such a large number of complaints.

TABLE 1

THE 10 INSTITUTIONS SUBJECT TO THE GREATEST NUMBER OF ADMISSIBLE COMPLAINTS IN 2007–2008

INSTITUTION	NUMBER OF ADMISSIBLE COMPLAINTS
Air Canada	86
Canada Post	46
Service Canada	43
Canada Revenue Agency	28
National Defence	28
Canada Border Services Agency	25
Canadian Air Transport Security Authority	20
Royal Canadian Mounted Police	20
Citizenship and Immigration Canada	18
Public Works and Government Services Canada	17
Total	**331**

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[5] A complaint is considered founded when the Commissioner determines that an infraction of the Act has occured.

The majority of admissible complaints in 2007–2008 were filed by Francophones (91%), and over half of the alleged infractions occurred in either the National Capital Region (NCR) or in the Atlantic provinces. Some 13% of the complaints filed by Francophones were against offices located in Quebec, but outside the NCR.

In terms of complaint categories, more than two-thirds (68%) of admissible complaints this year involved language of service, 18% involved language of work, 6% involved the advancement of English and French, 6% involved language requirements for positions in the federal public service and 2% involved equitable participation. The results of further analysis of some of these categories, including trends, follow.

Table 2 presents the number of admissible complaints filed in 2007–2008 broken down by province or territory and by category.

TABLE 2
NUMBER OF ADMISSIBLE COMPLAINTS IN 2007–2008 BY PROVINCE OR TERRITORY AND BY CATEGORY

PROVINCE OR TERRITORY	ADMISSIBLE COMPLAINTS	SERVICE TO THE PUBLIC	LANGUAGE OF WORK	EQUITABLE PARTICIPATION	ADVANCEMENT OF ENGLISH AND FRENCH	LANGUAGE REQUIREMENTS	OTHER
National Capital Region (Ontario)	167	105	37	4	10	10	1
Ontario	95	80	10	-	5	-	-
Quebec	90	56	25	4	4	1	-
Nova Scotia	58	40	4	1	1	11	1
Manitoba	50	34	2	1	12	1	-
New Brunswick	49	19	15	1	1	13	-
National Capital Region (Quebec)	33	12	17	1	-	3	-
Alberta	27	27	-	-	-	-	-
British Columbia	22	22	-	-	-	-	-
Prince Edward Island	16	14	1	-	1	-	-
Outside Canada	9	9	-	-	-	-	-
Saskatchewan	7	7	-	-	-	-	-
Newfoundland and Labrador	5	4	1	-	-	-	-
Yukon	3	2	-	-	1	-	-
Northwest Territories	3	1	-	-	1	-	1
Nunavut	-	-	-	-	-	-	-
TOTAL	**634**	**432**	**112**	**12**	**36**	**39**	**3**

Trends in admissible complaints over the last three years

Although a snapshot of the complaints filed over the year provides important information about compliance issues, looking at trends over a longer period may provide a broader—and sometimes more revealing—portrait of the compliance environment. Table 3 presents certain trends in admissible complaints filed over the last three years as measured by a variety of indicators.

TABLE 3
TRENDS IN ADMISSIBLE COMPLAINTS FILED OVER THE LAST THREE YEARS

INDICATOR	TREND	OVERVIEW
Total number of admissible complaints	**Decrease**	In the last three years, the total number of admissible complaints has decreased by 9%, reaching its lowest level in the past decade. This may be due in part to the impact of the Commissioner's evaluations of the performance of institutions, and the emergence of new mechanisms to resolve complaints within federal institutions. The Commissioner will examine this trend in greater detail over the coming year.
Region where the alleged infraction occurred	**Some change**	For the past three years, the **National Capital Region** has consistently been the region where the highest number of alleged infractions have occurred. While it is interesting to note that there has been a 31% drop in the number of complaints from the Atlantic region in the last three years, this change was partly offset by an increase in both Ontario and Quebec.
Category of the complaint	**No change**	**Service to the public** has consistently been the subject of the highest number of admissible complaints over the last three years, averaging 62% of all admissible complaints. Language of work comes in second, followed by language requirements for positions in the federal public service and the advancement of English and French.
The 10 institutions subject to the greatest number of admissible complaints	**Some change**	Over the last three years, the 10 institutions subject to the greatest number of admissible complaints have tended to be those that, by virtue of their mandate, have direct and regular contact with the public. Seven institutions have found themselves on this list three years in a row: **Air Canada**, **Canada Post**, the **Canada Border Services Agency**, the **Canada Revenue Agency**, **Service Canada** (in 2005-2006, complaints against Service Canada were listed under Human Ressources and Skills Development Canada), **National Defence** and **Public Works and Government Services Canada**.

2007–2008 report cards

This is the fourth year that the Office of the Commissioner of Official Languages issues report cards to a number of federal institutions. This year, the report cards evaluate the strengths and weaknesses of 38 federal institutions in terms of their various obligations under the *Official Languages Act*. The following paragraphs provide an overview of the findings. For more detailed information, consult the report cards for each institution on the Office of the Commissioner's Web site at **www.officiallanguages.gc.ca**.

Report card methodology and changes made in 2007–2008

The performance of each federal institution that is examined is measured against 13 criteria. These criteria fall under one of the following five factors related to official languages obligations: program management, service to the public, language of work, equitable participation and the development of official language communities and the promotion of linguistic duality. Each of the 13 criteria is assigned a relative weight that serves to calculate an overall rating for a given institution. A number of different methods were used to evaluate institutions according to these criteria, including interviews, documents provided by the institutions, observations made in person and over the telephone, a survey **Statistics Canada** conducted on behalf of the Office of the Commissioner, other statistical data obtained from the **Canada Public Service Agency** and consultations with employees at the Office of the Commissioner who carried out investigations and audits.

A few changes were made to the report cards in 2007–2008. One institution, **Air Canada**, was added to the list of those evaluated, in an effort to help the Commissioner understand some of the recurring compliance issues that make this institution the subject of a consistently large number of complaints. As with all the institutions that are evaluated, the Commissioner hopes this exercise will help **Air Canada** to identify the areas where improvement is needed, take action to achieve better overall results and, more generally, show stronger leadership regarding its official languages obligations.

The evaluation criteria used to assess the development of official language communities and the promotion of linguistic duality were modified slightly again this year to reflect the amendments made to the Act by Parliament in 2005. As was the case last year, the Commissioner decided to use different criteria to evaluate the performance of designated and non-designated institutions[6] for Part VII. Out of the 38 institutions evaluated, the Commissioner set stricter standards for the 19 designated institutions than he did for the 19 non-designated institutions. Designated institutions are accustomed to submitting action plans and reporting on the progress made on Part VII to **Canadian Heritage** while non-designated institutions are not. The criteria used this year to evaluate the development of official language communities and the promotion of linguistic duality have nonetheless been reinforced for non-designated institutions, taking into account that they have now had over two years to adjust to the new legislative requirements. For example, where last year the Commissioner called for non-designated

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[6] "Designated institutions" refers to the federal departments and organizations named in the *1994 Accountability Framework* regarding the implementation of sections 41 and 42 of the Act as being key institutions that have a significant impact on the development of official language minority communities. While non-designated institutions still have obligations under the Act, they do not have to report on their progress to Canadian Heritage. For a complete list of the 32 currently designated institutions, see **www.pch.gc.ca/progs/lo-ol/ci-ic/inst_e.cfm**.

Focus on official languages management

One of the factors that the Commissioner examines in the report card exercise is overall management of the official languages program within federal institutions—a key factor when looking at leadership.

A sound official languages program is one that encompasses all of an institution's obligations and commitments, such as: providing bilingual services to the public; maintaining a bilingual workplace; supporting the development of official language minority communities and; the promotion of linguistic duality. This means, for example, having an accountability framework that sets out the roles and responsibilities of officials with regard to official languages, an official languages action plan, a highly visible official languages program and an effective mechanism for resolving complaints.

In the last three years, over three-quarters of the federal institutions that are evaluated improved their ratings in this category, a result that demonstrates a higher degree of mobilization in favour of official languages. While the Commissioner sees this as a positive sign, he nonetheless notes that this improvement is not always reflected in concrete results when the official languages program is implemented. It is important to closely examine the institutions' results in other categories to determine the effect that sound program management has on Canadians.

institutions to start developing an action plan, this year he requires them to have developed this tool. The Commissioner will be re-evaluating whether to continue using different criteria for designated and non-designated institutions for future report cards.

The detailed rating guide, which describes the methodology used to evaluate the institutions, can be found on the Office of the Commissioner's Web site at **www.officiallanguages.gc.ca**.

Presentation of results

As in previous years, the institutions that were evaluated are grouped into three portfolios according to their general mandate: economy; transport and security; and social, cultural or other. The results are given as letters that correspond to the following scale:

A – Exemplary
B – Good
C – Fair
D – Poor
E – Very poor

As in the past, a subtotal rating is given for each factor that is evaluated, as well as an overall rating for performance.

When a specific problem has been identified in an institution following recommendations made by the Commissioner, a penalty may be applied to the relevant factor of that institution's report card. In these cases, a penalty of 2% is applied if the problem is being solved, or a penalty of 5% is applied if the Commissioner believes that there is a lack of significant progress.

The results of the 2007–2008 report card exercise are presented in the following tables.

Portfolio: Economy

* Penalty (2%)
** Penalty (5%)

	Agriculture and Agri-Food Canada	Atlantic Canada Opportunities Agency	Business Development Bank of Canada	Canada Economic Development for Quebec Regions	Canada Mortgage & Housing Corporation	Canada Post	Canada Revenue Agency	Canadian Tourism Commission	Fisheries and Oceans Canada	Indian and Northern Affairs Canada	Industry Canada	Public Works & Government Services Canada	Western Economic Diversification Canada
A. Management (15%)													
a) An accountability framework, an action plan and accountability mechanisms are in place (5%)	C	A	C	A	A	A	A	A	A	B	A	A	B
b) Visibility of official languages in the organization (5%)	B	A	A	A	A	A	A	B	A	D	A	A	A
c) Complaints (5%)	A	A	A	A	A	A	B	A	A	B	B	A	A
Subtotal	**B**	**A**	**B**	**A**	**A**	**A**	**A**	**A**	**A**	**B**	**A**	**A**	**A**
B. Service to the public – Part IV (25%)													
a) Bilingual services advertised to the public and sufficient bilingual staff (3%)	B	B	D	B	B	C	B	B	B	B	B	B	B
b) Observations on active offer and service delivery (15%)	D	C	C	B	C	C	C	A	D	E	D	C	C
c) Service agreements delivered by third parties or in partnership provide for the delivery of bilingual services (2%)	D	B	A	A	B	A	B	B	B	C	B	B	B
d) Policy on service to the public and bilingual services quality monitoring (5%)	D	B	B	A	A	A	A	A	C	C	C	B	B
Subtotal	**D**	**C**	**C**	**B**	**B**	**C***	**B**	**B**	**D**	**D**	**C**	**C**	**B**
C. Language of work – Part V (25%)													
a) Language of work policy and adequate bilingual supervision (12.5%)	B	B	B	A	B	C	B	B	B	B	B	B	C
b) Use of each official language in the workplace (12.5%)	D	B	B	B	C	C	C	A	C	C	C	B	B
Subtotal	**C**	**B**	**B**	**B**	**B**	**C**	**B**	**B**	**B**	**C**	**B**	**B**	**B**
D. Equitable participation – Part VI (10%)													
a) Percentage of Francophone participation throughout Canada (5%)	A	A	B	B	A	A	A	A	A	A	B	B	A
b) Percentage of Anglophone participation in Quebec (5%)	C	N/A	A	D	B	C	C	N/A	C	D	B	D	N/A
Subtotal	**B**	**A**	**B**	**C**	**B**	**B**	**B**	**A**	**B**	**B**	**B**	**C**	**A**
E. Advancement of English and French – Part VII (25%)													
(a) Strategic planning and the development of policies and programs take into account the development of official language minority communities (12.5%)	B	A	A	A	A	A	A	A	A	B	A	A	A
(b) Strategic planning and the development of policies and programs take into account the promotion of linguistic duality (12.5%)	B	B	B	B	A	A	A	A	A	C	B	A	B
Subtotal	**B**	**B**	**B**	**B**	**A**	**A**	**A**	**A**	**A**	**C**	**A**	**A**	**A**
Overall rating	**C**	**B**	**B**	**B**	**B**	**B**	**B**	**A**	**B**	**C**	**B**	**B**	**B**

Portfolio: Transport and security

* Penalty (2%)
** Penalty (5%)

	Air Canada	Canada Border Services Agency	Canadian Air Transport Security Authority	Canadian Food Inspection Agency	Canadian Forces	Correctional Service Canada	Environment Canada	Halifax International Airport Authority	NAV CANADA	Ottawa International Airport Authority	Passport Canada	Royal Canadian Mounted Police	Transport Canada	VIA Rail
A. Management (15%)														
a) An accountability framework, an action plan and accountability mechanisms are in place (5%)	C	A	A	A	A	B	A	C	A	B	D	B	A	A
b) Visibility of official languages in the organization (5%)	B	B	A	A	B	B	B	C	A	B	C	A	A	B
c) Complaints (5%)	B	A	B	A	A	B	B	B	A	A	A	A	A	A
Subtotal	**B**	**A**	**A**	**A**	**A**	**B**	**B**	**C**	**A**	**B**	**B**	**A**	**A**	**A**
B. Service to the public – Part IV (25%)														
a) Bilingual services advertised to the public and sufficient bilingual staff (3%)	D	B	D	B	D	B	B	D	B	B	B	B	B	B
b) Observations on active offer and service delivery (15%)	D	C	C	D	C	D	E	D	B	D	B	D	D	C
c) Service agreements delivered by third parties or in partnership provide for the delivery of bilingual services (2%)	B	B	B	B	B	A	B	C	B	B	B	B	B	B
d) Policy on service to the public and bilingual services quality monitoring (5%)	A	B	A	B	D	C	C	C	B	B	B	C	C	B
Subtotal	**D****	**C***	**C***	**C**	**C**	**C**	**D**	**D**	**B**	**C**	**B**	**D**	**C**	**C**
C. Language of work – Part V (25%)														
a) Language of work policy and adequate bilingual supervision (12.5%)	B	B	C	B	D	C	B	N/A	C	B	B	B	B	B
b) Use of each official language in the workplace (12.5%)	C	C	C	C	E	C	C	N/A	D	C	C	D	B	C
Subtotal	**C**	**C**	**C**	**C**	**E****	**C**	**C**	**N/A**	**C**	**C**	**C**	**C**	**B**	**C**
D. Equitable participation – Part VI (10%)														
a) Percentage of Francophone participation throughout Canada (5%)	A	A	A	A	A	A	A	D	A	A	B	A	A	A
b) Percentage of Anglophone participation in Quebec (5%)	B	A	N/A	D	C	D	A	N/A	B	N/A	B	A	A	A
Subtotal	**B**	**A**	**A**	**B**	**B**	**B**	**A**	**D**	**B**	**A**	**B**	**A**	**A**	**A**
E. Advancement of English and French – Part VII (25%)														
a) Strategic planning and the development of policies and programs take into account the development of official language minority communities (12.5%)	C	B	B	A	C	D	B	N/A	C	N/A	D	B	B	B
b) Strategic planning and the development of policies and programs take into account the promotion of linguistic duality (12.5%)	C	B	A	A	D	C	C	N/A	C	N/A	D	B	B	B
Subtotal	**C**	**B**	**A**	**A**	**C**	**D**	**B**	**N/A**	**C**	**N/A**	**D**	**B**	**B**	**B**
Overall rating	**C**	**B**	**B**	**B**	**D**	**C**	**C**	**D**	**C**	**B**	**C**	**C**	**B**	**B**

Portfolio: Social, Cultural and others

- * Penalty (2%)
- ** Penalty (5%)

	Canadian Museum of Civilization Corporation	CBC/Radio-Canada	Citizenship and Immigration Canada	Health Canada	National Arts Centre	National Capital Commission	National Film Board	Parks Canada	Public Health Agency of Canada	Service Canada	Statistics Canada
A. Management (15%)											
a) An accountability framework, an action plan and accountability mechanisms are in place (5%)	C	B	A	A	B	A	B	B	C	B	A
b) Visibility of official languages in the organization (5%)	A	C	A	A	B	A	A	A	A	A	A
c) Complaints (5%)	A	D	B	A	A	A	A	B	C	B	A
Subtotal	**B**	**C**	**A**	**A**	**B**	**A**	**A**	**B**	**B**	**B**	**A**
B. Service to the public – Part IV (25%)											
a) Bilingual services advertised to the public and sufficient bilingual staff (3%)	B	C	B	B	B	A	A	B	B	B	B
b) Observations on active offer and service delivery (15%)	B	C	C	D	B	A	C	C	D	C	B
c) Service agreements delivered by third parties or in partnership provide for the delivery of bilingual services (2%)	A	A	C	B	B	A	B	B	C	A	A
d) Policy on service to the public and bilingual services quality monitoring (5%)	A	A	B	B	A	A	C	B	C	C	B
Subtotal	**B**	**C**	**C**	**C**	**A**	**A**	**C**	**C**	**D**	**C**	**B**
C. Language of work – Part V (25%)											
a) Language of work policy and adequate bilingual supervision (12.5%)	B	B	B	B	B	B	A	B	B	B	B
b) Use of each official language in the workplace (12.5%)	B	B	C	C	C	B	C	C	D	D	B
Subtotal	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**C**	**C**	**B**
D. Equitable participation – Part VI (10%)											
a) Percentage of Francophone participation throughout Canada (5%)	B	A	A	A	A	B	B	A	A	A	B
b) Percentage of Anglophone participation in Quebec (5%)	N/A	C	A	D	N/A	N/A	A	D	N/A	D	A
Subtotal	**B**	**B**	**A**	**B**	**A**	**B**	**B**	**B**	**A**	**B**	**B**
E. Advancement of English and French – Part VII (25%)											
a) Strategic planning and the development of policies and programs take into account the development of official language minority communities (12.5%)	B	B	A	A	A	B	A	B	A	B	A
b) Strategic planning and the development of policies and programs take into account the promotion of linguistic duality (12.5%)	B	B	A	A	A	A	A	A	B	B	A
Subtotal	**B**	**B**	**A**	**A**	**A**	**A**	**A**	**B**	**B**	**B**	**A**
Overall rating	**B**	**C**	**B**	**B**	**B**	**A**	**B**	**B**	**C**	**B**	**A**

Overall report card results for 2007–2008

This year's report cards show mixed results, with improvements in some areas and stagnant results in others. Generally speaking, however, the Commissioner is pleased to see that two thirds of the institutions evaluated received a rating of either A or B. The overall results for 2007–2008 are as follows:

Exemplary: Three institutions (the **National Capital Commission**, the **Canadian Tourism Commission** and **Statistics Canada**) received an overall rating of A;

Good: 23 institutions received an overall rating of B;

Fair: 10 institutions received an overall rating of C;

Poor: Two institutions (the **Halifax International Airport Authority** and the **Canadian Forces**) received an overall rating of D.

The Commissioner notes the three institutions that received an exemplary rating represent a diverse group of federal institutions, both in terms of size and mandate. In his view, this demonstrates that, regardless of their particular vocation or structure, all federal institutions have the ability to fully integrate official languages into their planning and daily operations, and to accomplish this, strong leadership is all that is needed. In this regard, the Commissioner wishes to take the opportunity to recognize Ivan Fellegi, Chief Statistician of Canada, for the leadership he has shown during his tenure as head of **Statistics Canada**. Mr. Fellegi, who will retire from his post in June 2008, is an example of how leadership at the top affects the performance of an institution and its respect for the language rights of Canadians. **Statistics Canada** is the only federal institution to date that has received an exemplary rating in two out of the four years for which the Commissioner has issued report cards.

When broken down by portfolio, institutions in the social, cultural and other group performed well, as did most institutions in the economy portfolio. As in previous years, most institutions in the transport and security portfolio received the lowest ratings, obtaining both Ds and most of the Cs.

An examination of the five factors shows service to the public remains the most important problem area in terms of official languages compliance, followed by language of work. It is interesting to note that the same pattern appeared in the complaints.

Ratings for program management and equitable participation were generally positive, with only a few institutions needing to make more efforts in these areas. Ratings were also positive for the advancement of English and French in a large number of institutions. While strong performance is always encouraging, the Commissioner is nonetheless aware that institutions achieved the highest ratings for the factors with an assessment based more on process (action plans, accountability frameworks, internal mechanisms, etc.) than on measurable results that have an impact on Canadians. When factors with measured results, such as service to the public and language of work, were involved, performance was much weaker, suggesting that institutions must make a greater effort to fully address the issues that directly affect Canadians.

Overall report card trends over the last three years

Table 4 presents some of the trends noted over the last three years in the report cards. Only institutions evaluated since 2005–2006 are included in these trends.

TABLE 4

OVERALL TRENDS IN REPORT CARDS OVER THE LAST THREE YEARS

INDICATOR	TREND	OVERVIEW
Overall report card ratings	**Increase**	Overall report card ratings have improved steadily since 2005–2006, even if this improvement is not always reflected in results on the ground. Compared with three years ago, many more institutions received "good"—and in some cases "exemplary"—ratings due in part to strong performance in program management and the advancement of English and French. The Commissioner is encouraged by this progress, but he also notes that institutions still face a number of challenges in the areas where a stronger emphasis is placed on results, such as service to the public and language of work.
Major problem areas identified in the report cards	**No change**	Service to the public has consistently been the factor where the poorest results have been obtained over the last three years, followed by language of work. This is clearly an area where the federal government must show stronger leadership to achieve better results. All factors, however, have seen an improvement in results since 2005–2006, notably program management, equitable participation and the advancement of English and French.
Top performing institutions	**Some change**	Nine institutions have consistently performed well over the last three years, more specifically **Statistics Canada**, the **Canadian Museum of Civilization Corporation**, the **National Film Board**, the **National Capital Commission**, the **National Arts Centre, Citizenship and Immigration Canada**, the **Ottawa International Airport Authority**, the **Canada Mortgage and Housing Corporation** and the **Canada Revenue Agency**. The Commissioner also notes that a number of other institutions have steadily improved their performance since 2005–2006, and encourages them to continue their work in this direction.

CONCLUSION: OVERVIEW OF THE IMPLEMENTATION OF THE ACT

The analysis of the overall portrait presented in this section leads to a number of conclusions. First, in some respects, it appears that federal institutions have hit a plateau in terms of respecting their official languages obligations. While it is encouraging that complaints have gone down slightly and report card ratings are improving in some areas, upon closer examination it is evident the main problem areas in official languages have not changed over the last few years. Service to the public, for example, is continuously the subject of the highest number of complaints compared to other parts of the Act, and the report card ratings for this factor are the lowest year after year. Institutions perform well in terms of implementing some of the necessary infrastructure and mechanisms to help them carry out their official languages obligations; however, these mechanisms are not always having an effect on the ground, as the following section will show in more detail. To have a direct impact on Canadians, institutions will have to enhance these tools and change the way they operate, focusing on results and improving performance.

Second, when institutions show strong leadership, they achieve strong results. This is obvious, for example, when the list of institutions most often the subject of complaints is compared to the list of those with the best report card ratings over the last three years. With the exception of the **Canada Revenue Agency**, none of the institutions that have consistently received favourable ratings on their report cards over the last three years have been the subject of a large number of complaints.

Finally, institutions in many cases are successful in meeting their official languages obligations in certain areas yet perform poorly in others. This suggests that there is a need for institutions to adopt a more coherent approach to implementing the Act, and that good examples or strong performance in one area should not be taken as a sign that institutions are performing well overall.

PART 2:

A CLOSER LOOK AT SERVICE TO THE PUBLIC

Canadians have the right to communicate with and receive services from the federal government in both official languages, a right enshrined in the *Canadian Charter of Rights and Freedoms*. As a result, all federal institutions subject to the Act must ensure that they deliver services to the public in English and French in the following offices, facilities and points of service:

- the head or central office of an institution; all offices located in the National Capital Region (NCR);
- all offices that report directly to Parliament;
- all offices where there is significant demand as established by the *Official Languages (Communications with and Services to the Public) Regulations*;[7]
- all offices, that because of their nature should reasonably offer services in both official languages, such as national parks or embassies abroad; and
- all offices providing services to the travelling public where there is significant demand.

In addition to offering bilingual services at designated offices, institutions are required to ensure the quality of the services that are offered is adequate in both languages. Finally, institutions must take measures to ensure that services provided by third parties or on behalf of the institutions are offered in both languages when applicable, and take language into account when choosing a medium to communicate with the public, such as advertising.

The complaints received by the Office of the Commissioner that relate to service to the public touch on some of these issues, as do the results of the report cards, audits and other interventions.

Admissible complaints related to service to the public in 2007–2008

In 2007–2008, the Office of the Commissioner of Official Languages received 432 admissible complaints related to service to the public, representing more than two-thirds of all admissible complaints filed during the year. Written communications to the general public (111 complaints) and ground services to the travelling public (110 complaints) were the most common subjects of these complaints. A third problem area was communications in person, for which 56 complaints were considered admissible.

These numbers are revealing. First, they show that senior officials and public servants need to do more to ensure that their written communications (e.g., letters, e-mails, forms, brochures and job postings) are consistently made available to Canadians in both official languages. Second, they show that institutions or offices providing ground services to the travelling public (e.g., airline check-in counters, cafeteria services, signage, announcements or security screening services in designated airports and train stations) have to make more of an effort to better respect the language rights of the public they serve. Finally, they show that offices, facilities and points of service that are designated bilingual need to reinforce measures to ensure adequate service in person in both official languages—this includes making an active offer and ensuring a sufficient number of bilingual staff are available at all times. If progress was made in these three areas alone, in the coming year, service to the public would improve dramatically.

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[7] See **http://laws.justice.gc.ca/en/O-3.01/index.html.**

In terms of the regions where the alleged service to the public infraction occurred, the NCR remains at the top of the list in 2007–2008, followed by Ontario, the Atlantic region and Quebec.

An examination of the language of complainants for this category reveals that the vast majority are Francophones (92%). This is consistent with the language of the complainants for all categories of complaints filed in 2007–2008.

TABLE 5
TRENDS IN ADMISSIBLE COMPLAINTS RELATED TO SERVICE TO THE PUBLIC

INDICATOR	TREND	OVERVIEW
Total number of admissible complaints related to service to the public	**Decrease**	The number of admissible complaints related to service to the public has declined since 2005–2006, dropping 5%. The proportion of admissible complaints related to service to the public in relation to all complaints filed remained stable in this same period.
Types of complaints related to service to the public	**Some change**	Written communications have consistently been the source of the highest number of complaints over the last three years. An important number of complaints, during this period, were also related to media communications, communications in person, and ground services for the travelling public. Interestingly, with the exception of written communications, the nature of complaints related to service to the public has evolved rapidly over the last three years: even though media communications used to be a source of a high number of complaints,there was a substantial drop in complaints related to media communications and Web site content, and at the same time a significant increase in complaints related to ground services for the travelling public.
Region where the alleged infraction occurred—complaints related to service to the public	**Some change**	The highest number of infractions that lead to complaints related to service to the public consistently occur in the National Capital Region. Complaints in this category from the Atlantic region have declined by one third, moving it from the top spot in 2005–2006 to third this year. This decrease was offset by an increase in the number of complaints from Ontario and Quebec in the same period.
Institutions subject to the greatest number of admissible complaints related to service to the public	**No change**	Over the last three years, five institutions have consistently figured among the ten institutions subject to the greatest number of admissible complaints related to service to the public: **Air Canada, Canada Post**, the **Canada Revenue Agency, Service Canada** and **Canada Border Services Agency**. All have direct and regular contact with the public by virtue of their mandates.

Report card results for service to the public in 2007–2008

As in previous years, service to the public was one of the five factors evaluated by the Commissioner in this year's report cards, and was worth 25% of the overall rating given to institutions. Four distinct criteria related to service to the public were examined:

- the advertisement of bilingual services and availability of a sufficient number of bilingual staff;
- the presence of service agreements with third parties that provide for the delivery of bilingual services;
- the existence of an internal policy on service to the public and effective monitoring mechanisms; and
- the active offer and delivery of adequate services in both official languages in person at offices designated bilingual and over the telephone.

The report card results for 2007–2008 show that providing service to the public in both official languages remains a challenge for a large number of federal institutions. Only nine out of 38 institutions received a "good" rating for this factor, compared to 19 that received a "fair" rating and eight that received a "poor" rating. Two institutions, the **National Capital Commission** and the **National Arts Centre**, stood out for their exemplary performance in serving the public in both official languages. The eight institutions that received a "poor" rating must take stronger action if they are to obtain better results for this factor next year. These institutions are the **Public Health Agency of Canada**, **Indian and Northern Affairs Canada**, **Agriculture and Agri-Food Canada**, **Fisheries and Oceans Canada**, the **Halifax International Airport Authority**, **Environment Canada**, the **Royal Canadian Mounted Police** and **Air Canada**.

Of the four criteria used to assess the institutions' performance regarding service to the public, the observations in person and over the telephone conducted by the Office of the Commissioner brought down the ratings of many institutions for this factor (see "Observations on service to the public" for further analysis of the observation results), showing once again that institutions must place greater emphasis on results. Generally speaking, the vast majority of institutions performed well regarding the advertisement of bilingual services, the bilingual capacity and third party agreements for ensuring adequate bilingual services. The final criterion, which looked at whether an institution had a policy on service to the public and mechanisms to monitor service quality, showed mixed results. Just over half of the institutions received satisfactory ratings, but for a large number of institutions there is still significant room for improvement in this area. Gaps were especially noted in the area of quality monitoring, where institutions must do more to oversee the application of their own policies and guidelines, be it in the context of third party agreements or service monitoring on the ground.

Bilingual capacity

One of the criteria used to assess the performance of federal institutions regarding service to the public is the capacity to provide services in both official languages, meaning that employees who occupy bilingual positions meet the language requirements of those positions.[8] Having a sufficient number of bilingual staff in a given institution is vital to ensure the necessary resources are in place to respect official languages obligations. Based on the information that the Commissioner received from the **Canada Public Service Agency** and separate employers,[9] in all but four institutions have over 80% bilingual capacity suggesting that a large proportion of their staff are capable of serving members of the public in the official language of their choice. While encouraged by these results, the Commissioner nonetheless calls upon two institutions, the **Canadian Air Transport Security Authority** (where bilingual capacity is at only 55%) and **Air Canada** (where bilingual capacity is at only 41%) to show stronger leadership in this regard, especially given the low marks these institutions received for service in person during the observations (see "Observations on service to the public").

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[8] Certain seperate employers do not have bilingual positions. For them, statistics regarding bilingual capacity refers to the number of employees able to provide services in English and in French.

When looking at the theme of leadership, an important aspect to examine specifically is the bilingual capacity of the executives in a given institution. In the majority of the 18 institutions that provide data on this subject,[10] over 85% of executives meet the language requirements of their positions. Although this percentage suggests that the leadership at the top would be sensitive to official languages issues, the Commissioner knows this is not always the case. Even when it is, this sensitivity often does not trickle down to the operational level. As mentioned in the foreword to this report, many public servants see bilingualism as a box to tick rather than a core value of their work. As a result, many Francophone executives are reluctant to use French in meetings, or write memos or briefing notes in French knowing they will have less impact or influence with their Anglophone colleagues—regardless of whether these colleagues have passed their language tests or not. The attitude of seeing bilingualism as a burden rather than a value will have to change if institutions are to improve their performance. Executives have a key leadership role to play to make sure this change occurs.

Observations on service to the public

The Office of the Commissioner once again carried out observations at offices across the country and over the telephone to evaluate active offer and the delivery of adequate bilingual services for the 38 institutions. Based on a representative sample established by **Statistics Canada**, observations in person were carried out in every province and territory at more than 1000 federal offices that are designated bilingual, and a similar number of observations were carried out over the telephone, mostly between mid-June and mid-July 2007. During each observation, institutions were assessed on the following criteria:

- Visual active offer for the observations in person: Institutions were expected to display a series of visual elements, such as bilingual signage inside and outside their office, indicating to the public that service is offered in both official languages at that location.
- Active offer in person and over the telephone: Federal employees were expected to use a bilingual greeting, for example, "Hello, Bonjour," when they first communicated with the member of the public. Automated telephone systems were also expected to use a bilingual greeting, unless they were lines specifically dedicated for only one language. Making an active offer indicates to members of the public that they should feel comfortable using the official language of their choice.
- Adequate service delivery in person and over the telephone: The information received was expected to be adequately delivered in the minority official language of the province or territory where the office is located.

The results of the 2007–2008 observations for service to the public are presented in Table 6.

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[9] "Separate employers" are intitutions which do not have the Treasury Board Secretariat as employer.

[10] Separate employers do not provide data specifically on the bilingual capacity of executives.

TABLE 6

OBSERVATION RESULTS[11] FOR SERVICE IN PERSON AND OVER THE TELEPHONE IN 2007–2008

	IN PERSON			OVER THE TELEPHONE	
INSTITUTION	**VISUAL ACTIVE OFFER**	**ACTIVE OFFER IN PERSON**	**ADEQUATE SERVICE**	**ACTIVE OFFER**	**ADEQUATE SERVICE**
Air Canada	84%	8%	55%	60%	90%
Agriculture and Agri-Food Canada	80%	17%	74%	65%	83%
Atlantic Canada Opportunities Agency	88%	38%	88%	87%	100%
Business Development Bank of Canada	90%	33%	58%	100%	98%
Canada Border Services Agency	92%	27%	79%	97%	91%
Canada Economic Development Agency for the Regions of Quebec	91%	27%	91%	86%	100%
Canada Mortgage and Housing Corporation	95%	32%	79%	96%	100%
Canada Post	96%	21%	81%	77%	91%
Canada Revenue Agency	98%	28%	74%	100%	97%
Canadian Air Transport Security Authority	92%	52%	64%	100%	100%
Canadian Food Inspection Agency	89%	4%	64%	87%	87%
Canadian Forces	94%	6%	78%	90%	84%
Canadian Museum of Civilization Corporation	91%	58%	91%	100%	100%
Canadian Tourism Commission	100%	75%	100%	100%	100%
CBC/Radio-Canada	93%	27%	76%	82%	92%
Citizenship and Immigration Canada	95%	22%	78%	100%	96%
Correctional Service Canada	85%	4%	73%	81%	81%
Environment Canada	89%	13%	65%	49%	64%
Fisheries and Oceans Canada	79%	10%	64%	84%	79%
Halifax International Airport Authority	69%	4%	19%	100%	100%
Health Canada	80%	31%	57%	83%	87%
Indian and Northern Affairs Canada	73%	10%	50%	86%	63%
Industry Canada	86%	24%	72%	77%	88%
National Arts Centre	100%	50%	100%	100%	100%
National Capital Commission	100%	100%	100%	100%	100%
National Film Board	100%	13%	63%	100%	100%
NAV CANADA	100%	50%	100%	50%	100%
Ottawa International Airport Authority	77%	0%	50%	100%	100%
Parks Canada	97%	45%	79%	88%	91%
Passport Canada	100%	20%	93%	100%	100%
Public Health Agency of Canada	86%	29%	57%	92%	62%
Public Works and Government Services Canada	88%	26%	79%	82%	96%
Royal Canadian Mounted Police	78%	19%	69%	73%	82%
Service Canada	100%	32%	74%	92%	97%
Statistics Canada	100%	0%	100%	100%	100%
Transport Canada	79%	24%	72%	82%	88%
Western Economic Diversification Canada	91%	36%	91%	91%	82%
VIA Rail	96%	4%	67%	96%	100%
OVERALL RESULT	**92%**	**23%**	**75%**	**82%**	**88%**

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[11] The results were calculated by Statistics Canada and represent a performance estimate based on a representative sample of observations for each institution. More information on the methodology that was used can be found on the Office of the Commissioner's Web site at **www.officiallanguages.gc.ca**.

Focus on active offer

When communicating with the public, it is important that the federal government ensure Canadians are comfortable using the official language of their choice. All federal institutions have a duty to make the public aware that services are available in either official language at offices and points of service that are designated bilingual. This duty, which is set forth in section 28 of the *Official Languages Act*, means that institutions must actively offer services in both languages, without waiting for the public to demand them.

In order to respect Canadians' right to receive service in the language of their choice, institutions must provide both visual and verbal active offers where appropriate. They are expected to do so by ensuring that signage inside and outside the offices is bilingual, and by addressing clients with a bilingual greeting such as "Hello, Bonjour."

The Commissioner notes that federal institutions perform very poorly in this area, especially in terms of active offer in person. Of all the spot checks conducted by the Office of the Commissioner over the last three years, active offer in person was present only one fifth of the time.

In last year's annual report, the Commissioner reiterated the importance of this provision by recommending that deputy heads in federal institutions ensure front-line staff actively offer services in both official languages. He will be conducting a follow-up on the institutions' performance in this area for next year's annual report.

The results of the observations on service to the public are mixed, showing strong performance in some areas while highlighting a need for improvement in others.

Visual active offer was present 92% of the time, which demonstrates that a large number of institutions take this requirement seriously. This year, eight institutions received perfect scores for this criterion: the **National Arts Centre**, the **Canadian Tourism Commission**, the **National Capital Commission**, **Statistics Canada**, **Passport Canada**, **Service Canada**, **NAV CANADA** and the **National Film Board**. However, the Commissioner feels that some institutions still have room for improvement in this area. Two institutions, for example, received less than 75% for this criterion, and will be expected to improve their performance next year: the **Halifax International Airport Authority** and **Indian and Northern Affairs Canada**.

Despite the Commissioner's recommendation in his 2006–2007 annual report that deputy heads in federal institutions ensure their staff actively offer services in both official languages, this year the vast majority of institutions that were evaluated scored less than 50% for active offer in person. Overall, an active offer by staff was made only 23% of the time. While the Commissioner notes that this represents a slight improvement over last year, he once again calls upon federal institutions to show leadership and act on this obligation. This year, only six institutions made an active offer in person at least 50% of the time: the **National Capital Commission** (which made an active offer in 100% of cases—the only institution to do so), the **Canadian Tourism Commission**, the **Canadian Museum of Civilization Corporation**, the **National Arts Centre**, **NAV CANADA** and the **Canadian Air Transport Security Authority**.

Active offer over the telephone, which was made 82% of the time, was much better than in person, due in part to the increasing number of automated telephone systems used by federal institutions. Thirteen institutions made an active offer over the telephone in 100% of cases, an increase over last year. Unfortunately, two institutions made an active offer over the telephone in 50% or less of the cases this year: **NAV CANADA** and **Environment Canada**. The Commissioner expects to see better results from these institutions next year.

For adequate service in the official language of the minority, the results of this year's observations show that much progress still needs to be made, in particular regarding the delivery of service in person. The quality of service was adequate only three times out of four (75%), which is consistent with last year's results. The Commissioner notes that a number of institutions are still not doing enough to ensure that members of the public are served in the official language of their choice. This year, for example, three institutions provided adequate service in person 50% or less of the time: **Indian and Northern Affairs Canada**, the **Ottawa International Airport Authority** and the **Halifax International Airport Authority**. As the provision of adequate bilingual services at designated offices is mandated by law, the Commissioner finds these results unacceptable, and expects better results next year.

Numbers for adequate service over the telephone were significantly higher: service was adequate 88% of the time this year compared to 77% in 2006–2007, and 15 institutions provided adequate service over the telephone 100% of the time in the official language of the minority. All institutions that were evaluated provided adequate service over the telephone at least 50% of the time.

Focus on Service Canada

Created in September 2005, Service Canada has become a key player in the provision of front-line federal services to Canadians, making it an institution to watch in terms of service delivery in both official languages.

Since its inception, Service Canada has consistently been among the institutions with the highest number of complaints per year for both service to the public and language of work. Compared to last year, the results of the observations made in person and over the telephone have risen slightly, although there is still room for improvement. The Commissioner also notes that Service Canada recently adopted a service strategy specifically geared to official language minority communities that will seek to ensure that these communities receive services of equal quality to the services provided to the majority, and make Service Canada a "preferred partner" in the development of official language minority communities.

As Service Canada continues to expand its points of service and the types of services it offers, the Office of the Commissioner will continue to work with this key institution to help it identify ways to better meet its official languages obligations. The Commissioner hopes that Service Canada, given its central role as a provider of government services, will strive to be a model for other federal institutions in terms of official languages leadership.

TABLE 7

TRENDS IN REPORT CARD RESULTS RELATED TO SERVICE TO THE PUBLIC

INDICATOR	TREND	OVERVIEW
Report card ratings for service to the public	**No change**	Results for service to the public have been mostly stagnant over the last two years, with a majority of institutions receiving either "fair" or "poor" ratings each year. The same number of "exemplary" ratings for service to the public were given this year as last year.
Observation results	**Some change**	Over the last three years, the Commissioner has noted improvements in visual active offer, active offer over the telephone and adequate service over the telephone. For active offer and adequate service in person, overall results have unfortunately not changed since 2005–2006. The Commissioner expects to see improvement in these areas.
Top/most improved institutions	**Some change**	Six institutions performed well both in 2006–2007 and this year. They are **Passport Canada**, the **National Arts Centre**, the **National Capital Commission**, the **Canadian Museum of Civilization Corporation**, **Statistics Canada** and the **Canada Revenue Agency**. Two institutions saw an improvement over last year, moving them up to "good" for service to the public: the **Canadian Tourism Commission** and the **Canada Mortgage and Housing Corporation**.

Audits and follow-ups related to service to the public

In 2007–2008, the Office of the Commissioner undertook a number of audits and audit follow-ups of various federal institutions that included issues related to service to the public. Many of these institutions were audited because of particular problems that were identified either in the report card or because the institution was the subject of a high number of complaints. If specific problems are identified during the course of the audit, the Commissioner seeks to obtain commitments from senior officials of the institution in question to address the situation. The Commissioner considers the audit process, like many of his other compliance assurance tools, as a way for his office to work with an institution to help it meet its official languages obligations. The following is a summary of some of the audits and follow-ups related to service to the public that were conducted this year:

- **Halifax International Airport Authority:** The Commissioner has begun an audit to examine the overall management of the official languages program at Atlantic Canada's largest airport. The audit seeks to address issues raised during the course of some investigations of the airport and its report card results. The Commissioner will examine how the management of its official languages program allows the airport to effectively carry out its obligations, especially in terms of service to and communications with the travelling public. More specifically, the audit will focus on senior management's commitment to official languages, infrastructure and monitoring in the airport. A final report is expected later this year.

Focus on the travelling public

Section 23 of the *Official Languages Act* states the obligation of federal institutions to provide bilingual services to the travelling public where there is significant demand. This includes some ground services at designated airports, train stations and ferry terminals; on-board services by carriers subject to the Act; and services at land border crossings.

In the last three years, almost a quarter of all complaints regarding service to the public have been related to ground and on-board services to the travelling public. This number is on the rise, increasing by nearly two-thirds over the past year alone.

Recognizing this as a significant compliance issue, the Office of the Commissioner is working to better understand the priorities of the travelling public, and is closely monitoring a wide variety of federal institutions, airport authorities, concessionaires and carriers to measure and ensure adequate performance in this area. For example, a dialogue with the **Greater Toronto Airports Authority** is now ongoing to discuss areas of possible future collaboration to improve the bilingual services offered at the Toronto Pearson International Airport.

By focusing on this issue now, it is expected key institutions that offer services to the travelling public will have taken the necessary steps by the 2010 Vancouver Olympics to promote Canada's bilingualism to the international visitors who will be coming to the Games and to the Canadian public they serve on a daily basis.

- **Agriculture and Agri-Food Canada:** An audit focusing on communications with and services to the public was undertaken in 2007. The audit examined the bilingual services offered at the various designated offices of this institution, as well as the management framework and the mechanisms put in place to help them effectively carry out their duties under the *Official Languages Act*. This audit was conducted in part because of poor results on past report cards for service to the public. The audit revealed that, while the Department does have a structure in place to administer the official languages program and has taken steps to raise awareness among employees of its obligation to provide service to the public, there are still a number of gaps in service delivery on the ground. Bilingual services were often lacking, particularly in Western Canada, and the active offer of service in person or over the telephone was frequently absent.

  Other issues included the language clauses in their agreements with third parties, the absence of an accountability framework and a lack of consultation with official language communities to help determine their needs with respect to service to the public. Eight recommendations were made to the Department to help it improve the delivery of services in both official languages, and **Agriculture and Agri-Food Canada** has since developed an action plan for the implementation of those recommendations.

- **Environment Canada:** The Commissioner completed an audit of the services delivered over the automated telephone network of the **Meteorological Service of Canada**, a division of **Environment Canada** that provides weather and environmental information to Canadians. An audit of this institution was carried out because of its poor report card score for service to the public, and because of its large number of bilingual points of service that are, in fact, automated telephone systems. The audit revealed that the institution has an internal structure in place to provide services in both official languages. Nevertheless, most recent observations of the institution's telephone services revealed major gaps in adequate service delivery and active offer. **Environment Canada** must improve the **Meteorological Service of Canada**'s bilingual services, which the Commissioner considers essential to Canadians.

Audit follow-ups

As part of its external audit policy, the Office of the Commissioner follows up on its audits 18 to 24 months after their publication to assess the progress institutions have made in implementing the Commissioner's recommendations. To this end, a series of follow-ups were undertaken this year on audits published in 2005. One of the follow-ups was of an audit of service to the public at highway border crossings, looking at how one institution implemented the Commissioner's recommendations.[12]

- **Canada Border Services Agency:** The audit of this institution, published in November 2005, examined the services provided to the public in both official languages at highway border crossings across Canada. The Commissioner is satisfied with the progress the institution has made in the implementation of the 12 audit recommendations. In fact, the **Canada Border Services Agency** states that the audit itself, and the Commissioner's 12 recommendations, served as the foundation for creating an action plan and measurable priority objectives for official languages. The Commissioner expects that the measures taken by the institution in follow-up to the audit will contribute to resolving some of the recurring problems they are facing at the **Toronto Pearson International Airport** and border crossings in southern Ontario.

Proactive or preventive interventions made in 2007–2008 related to service to the public

Preventive interventions are made when a specific official languages issue needs to be brought to the attention of an institution in order to avoid future infractions. Proactive interventions are made before a complaint is filed with the Commissioner, and are often related to issues arising in the media. The following are some examples of interventions that were made in 2007–2008:

- The Commissioner intervened with **Veterans Affairs Canada** in April 2007 after learning that signs placed at Canada's Vimy Memorial prior to the 90th anniversary celebrations of the Battle of Vimy Ridge contained multiple errors in French. In response, the institution removed them and agreed to work with the non-profit organization that donated the panels to have them corrected.
- After learning of a possible official languages infraction, the Office of the Commissioner contacted the **Edmonton Regional Airports Authority** to advise it that one of the signs in the **Edmonton International Airport** was incorrectly translated. The airport quickly fixed the problem and reviewed its other signs to ensure that the information provided to the public was of equal quality in both official languages.

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[12] Other follow-ups will be highlighted later in this chapter, in the sections on language of work and the advancement of English and French.

- In advance of the **2010 Winter Olympic Games** in Vancouver–Whistler, the Commissioner has taken measures to help ensure that the Games truly reflect Canada's linguistic duality. For example, the Commissioner met with John Furlong, CEO of the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (VANOC) to discuss the importance of the Games reflecting Canada's linguistic duality. In addition, representatives from the Office of the Commissioner met with the Federal Essential Services Committee for the 2010 Winter Games, comprised of a variety of federal institutions, to talk to its members about ways to ensure that the language rights of Canadians are respected and promoted in the context of the Games. The Commissioner plans to work with other key institutions over the coming year to ensure that official languages are part of their preparations for 2010. The Office of the Commissioner is undertaking a study on the status of the preparations for the Games to identify best practices and challenges, and to propose recommendations to VANOC and the Federal Vancouver 2010 Secretariat with respect to official languages.[13]

Court interventions made in 2007–2008 related to service to the public

On occasion, the Commissioner intervenes before the courts when the other options at his disposal have been exhausted or when a court action raises important legal questions for official languages. The following is an example of an intervention that was made this year:

- In October 2007, the Commissioner intervened before the **Supreme Court of Canada** in the case of Marie-Claire Paulin and the Société des Acadiens et Acadiennes du Nouveau-Brunswick against the **Royal Canadian Mounted Police**.[14] The case centred on Ms. Paulin's complaint that a **Royal Canadian Mounted Police** officer based in Woodstock, New Brunswick, was unable to provide her with service in French when she was stopped. The **Supreme Court of Canada**'s decision, which was handed down on April 11, 2008, sided with Ms. Paulin and the Société des Acadiens et Acadiennes du Nouveau-Brunswick. It clarified the language obligations of the **Royal Canadian Mounted Police** when it is providing services as a provincial police force, and confirmed that members of the public have the right to receive services from this police force in either official language throughout the province of New Brunswick, regardless of whether there is significant demand. The Court also stipulated that the **Royal Canadian Mounted Police** retain its status as a federal institution in all provinces where it provides provincial police services and that it must respect its obligations under the federal *Official Languages Act* at all times.

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[13] See Chapter III for more information on the Olympic Games study.

[14] *Société des Acadiens et des Acadiennes du Nouveau-Brunswick Inc. v. Canada*, 2008 S.C.C. 15

Examples of leadership in service to the public

Each year the Commissioner chooses to mention certain institutions that show leadership in official languages. These examples highlight specific initiatives that have yielded positive results. Examples of leadership in service to the public include the following:

- The **National Capital Commission**—which received an "exemplary" rating for service to the public this year—set up a training program for its client service employees that includes a component on the institution's expectations regarding active offer and adequate service delivery in both official languages. In addition, bilingualism is a mandatory requirement for all customer service employees and students. The exceptional performance of this institution during the observations carried out in person and over the telephone demonstrates that its training programs and hiring policies are translating into concrete results.
- The **Canada Mortgage and Housing Corporation** and **Canada Post** conduct quarterly evaluations of active offer and adequate service to the public in both official languages within their institutions. The senior managers responsible for the areas where gaps are identified must then report to the management committee on the corrective measures that were taken to resolve the problems. The Commissioner believes that regular service evaluations and management accountability are important factors to ensure quality and consistent bilingual services for Canadians, and he notes that both these institutions scored above the average for the adequate delivery of services in person.

CONCLUSION: SERVICE TO THE PUBLIC

The complaints, report card results, audits and various interventions the Commissioner made regarding service to the public show that this area is clearly a weak spot for federal institutions. Report card results are not improving overall, the same institutions are receiving poor ratings year after year and the same issues that mattered to Canadians three years ago still pose problems today. Not receiving written communications from federal institutions in one's preferred official language, for example, still tops the list of complaints in this category. A large number of institutions rarely make an active offer in person, despite the Commissioner's recommendation last year. For three years running, one of every four Canadians who walks into a federal office that is designated bilingual cannot receive adequate service in the official language of the minority in that province or territory. One of the trends the Commissioner has noticed is that even if some of the infrastructure is in place to ensure bilingual services, results are not improving in many cases. As a result, institutions must increase the amount of monitoring they carry out, rethink the way they operate on the ground and develop new mechanisms that focus just as much on results as they do on processes.

Canadian travellers are also increasingly having a difficult time receiving service in their preferred official language in designated airports and train stations and at other points of service. In addition, the Commissioner notes a large number of institutions that serve the travelling public receive low report card ratings for this factor. This is clearly an area where more can be done to improve performance. To this end, the Commissioner is eager to work with senior officials and public servants, but institutions first have to be willing to change the way they operate with the goal of achieving better results. In order to do so, leadership will be key.

PART 3:
A CLOSER LOOK AT LANGUAGE OF WORK

In some parts of Canada, federal public servants[15] have the right to work in the official language of their choice. Part V of the *Official Languages Act* sets forth this right and the regions where it applies. These designated regions are the National Capital Region, New Brunswick, parts of Northern and Eastern Ontario, the Montréal area, parts of the Eastern Townships, the Gaspé and Western Quebec.

In order to meet this requirement, federal institutions must take steps to ensure that the work environment in these regions is conducive to the effective use of both official languages, and that their employees feel comfortable exercising their right to work in English or French. This means that institutions must provide, among other things, work instruments, central and personal services, and training in both official languages, in addition to a sufficient number of bilingual supervisors and senior managers.

When evaluating whether employees are able to work in the official language of their choice, the Commissioner verifies if federal institutions subject to the Act have the following in place: a language of work policy and supporting measures, adequate bilingual supervision and measures to actively encourage the use of both official languages in the workplace. The Commissioner also examines the level of satisfaction among employees working in a minority setting with their ability to work in their language of choice.

The analysis of admissible complaints related to language of work and the report card and audit results discussed in the following paragraphs will allow us to determine whether institutions are meeting their obligations under this part of the Act.

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[15] For the purposes of this report, the term "federal public servants" refers to all employees of federal institutions subject to Part V of the Act, as well as members of the Canadian Forces.

Admissible complaints related to language of work in 2007–2008

In 2007–2008, the Office of the Commissioner of Official Languages received 112 admissible complaints related to language of work, representing 18% of all admissible complaints. The majority of admissible complaints in this category were filed by Francophones (17% of these complaints came from Francophones working in Quebec outside the NCR), and the region where the most alleged infractions occurred this year was the NCR, followed by Quebec and the Atlantic region.

The aspects of language of work that were most frequently at issue this year were internal communications (representing 35% of all admissible complaints related to language of work), training and development, and central and personal services offered by institutions.

These numbers show that federal institutions in regions designated bilingual need to make more of an effort to ensure that their internal communications (e-mails, notices, meeting agendas and speeches, to name a few examples) are prepared in both official languages. What is more, they need to take steps to ensure that their employees have access to central and personal services (e.g. administrative, pay, financial and legal services, as well as interviews and performance evaluations) in their official language of choice. For training and development, institutions must ensure that courses are available in French and English in order to give their employees equal opportunities for professional development regardless of their preferred official language. Addressing these key compliance issues would go a long way in ensuring that the language of work rights of federal employees in designated regions are fully respected, and that Canada's largest employer—the federal public service—demonstrates leadership by setting the example of a truly bilingual workplace.

TABLE 8
TRENDS IN ADMISSIBLE COMPLAINTS RELATED TO LANGUAGE OF WORK

INDICATOR	TREND	OVERVIEW
Total number of admissible complaints related to language of work	**No change**	The number of admissible complaints related to language of work has remained stable over the last three years. At the same time, the Commissioner notes that there has been a significant increase in the number of complaints related to language of work filed against certain institutions, the two main examples being **National Defence** and **Canada Post**.
Types of complaints related to language of work	**No change**	The type of complaint related to language of work that was most frequently made over the last three years related to internal communications. In the last three years, central and personal services and training and development have also been areas of concern.
Institutions subject to the greatest number of admissible complaints high related to language of work	**No change**	In the last three years, **National Defence** and **Public Works and Government Services Canada** are the only institutions that have consistently been the subject of a number of complaints related to language at work.

Report card results for language of work in 2007–2008

During the report card evaluations, the Commissioner assesses federal institutions' compliance with language of work obligations. This factor, worth 25% of an institution's overall rating, is evaluated according to the following criteria: the existence of a policy on language of work and adequate bilingual supervision, and the use of both official languages in the workplace.

Language of work remains a serious problem for a large number of the federal institutions that are evaluated. Only 20 out of 37[16] institutions received a "good" rating in this category (none received an "exemplary" rating), while 15 received a "fair" rating, one received a "poor" rating and one received a "very poor" rating. The Commissioner calls for greater efforts on this front, especially from the two institutions with the lowest ratings: the **Canadian Forces** and **NAV CANADA**.

Ensuring the effective use of both official languages in the workplace is a source of great difficulty for many institutions, as indicated by their poor performance in the language of work survey (see "Language of work survey" on next page). This shows, once again, that even if corporate planning takes into consideration language of work requirements, this planning does not always have an effect on employees. A more results-focused approach is required if institutions are to fully respect the language rights of their employees.

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[16] One institution, the Halifax International Airport Authority, is not subject to language of work requirements, as it has no employees in regions designated bilingual for the purposes of language of work.

Bilingual supervision

The Commissioner specifically examines the bilingual capacity of supervisors in federal institutions. In other words, he evaluates whether public servants who supervise staff in bilingual regions meet the language requirements of their position. This is an important evaluation criterion, as employees who work in these regions have the right to be supervised in the official language of their choice.

According to the data collected, most institutions are meeting their obligation in this respect, with 29 out of 38 institutions achieving 85% or higher for the bilingual capacity of their supervisors. Four institutions should be singled out for strong performance, obtaining 95% capacity or higher: the **National Film Board**, the **Canada Mortgage and Housing Corporation**, the **Canadian Museum of Civilization Corporation** and the **Atlantic Canada Opportunities Agency**. Three other institutions, however, had under 75% bilingual capacity for supervisors, and will need to do more in the coming year to address this shortcoming: **Air Canada**, **Canada Post** and the **Canadian Air Transport Security Authority**.

Language of work survey

To help him further assess the institutions' performance in terms of the use of both official languages in the workplace, the Commissioner asked Statistics Canada to conduct a survey on language of work that contained questions identical to those in the 2005 Public Service Employee Survey on federal employees' satisfaction with their ability to work in their language of choice. The survey asked the Francophone public servants working in the NCR, New Brunswick and the bilingual regions of Ontario, as well as the Anglophone public servants working in the bilingual regions of Quebec (not including the NCR) in the 37 institutions that were evaluated to indicate whether they agree or disagree with the following statements:

- The material and tools provided for my work, including software and other automated tools, are available in the official language of my choice.
- When I prepare written materials, including electronic mail, I feel free to use the official language of my choice.
- When I communicate with my immediate supervisor, I feel free to use the official language of my choice.
- During meetings with my work unit, I feel free to use the official language of my choice.
- The training offered by my organization is available in the official language of my choice.

The overall satisfaction levels of employees were then calculated for each institution. The results of the survey for 2007–2008 are presented in Table 9.

TABLE 9

RESULTS OF THE LANGUAGE OF WORK SURVEY FOR 2007–2008

INSTITUTION	SATISFACTION LEVEL AMONG FRANCOPHONES (NCR, N.B., ONT.)	SATISFACTION LEVEL AMONG ANGLOPHONES (QUEBEC)
Air Canada	39%	95%
Agriculture and Agri-Food Canada	64%	*
Atlantic Canada Opportunities Agency	84%	**
Business Development Bank of Canada	82%	92%
Canada Border Services Agency	66%	73%
Canada Economic Development Agency for the Regions of Quebec	93%	*
Canada Mortgage and Housing Corporation	67%	*
Canada Post	72%	62%
Canada Revenue Agency	64%	70%
Canadian Air Transport Security Authority	76%	*
Canadian Food Inspection Agency	69%	57%
Canadian Forces***	36%	56%
Canadian Museum of Civilization Corporation	82%	**
Canadian Tourism Commission	*	**
CBC/Radio-Canada	85%	82%
Citizenship and Immigration Canada	72%	59%
Correctional Service Canada	67%	36%
Environment Canada	65%	85%
Fisheries and Oceans Canada	75%	*
Health Canada	58%	*
Indian and Northern Affairs Canada	69%	*
Industry Canada	73%	*
National Arts Centre	81%	**
National Capital Commission	85%	**
National Film Board	*	85%
NAV CANADA	47%	77%
Ottawa International Airport Authority	49%	**
Parks Canada	74%	*
Passport Canada	*	93%
Public Health Agency of Canada	61%	*
Public Works and Government Services Canada	78%	72%
Royal Canadian Mounted Police	64%	65%
Service Canada	72%	35%
Statistics Canada	77%	*
Transport Canada	73%	71%
Western Economic Diversification Canada	*	**
VIA Rail	53%	89%
NATIONAL AVERAGE[17]	**70%**	**81%**

[17] The national average does not include results from the Canadian Forces, as the language of work survey targeted members in bilingual units that are not necessarily located in regions designated bilingual.

* Due to the small number of respondents, Statistics Canada asked the Commissioner not to use these results.

** No offices in this region.

*** National Defence provides for the choice of language of work in some of its units outside of designated regions for the purposes of language of work. Francophone respondents came from bilingual units in British Columbia, Alberta, Saskatchewan, Manitoba, New Brunswick, Nova Scotia, Ontario and the NCR. Anglophone respondents came from bilingual units in Quebec.

Focus on National Defence and the Canadian Forces

Like other federal institutions, the Department of National Defence and the Canadian Forces have a key role to play in ensuring the equal status of both official languages in their daily operations both at home and abroad. Given the large size of this Department and its symbolic character, it is all the more important that the civil and military leaders pay special attention to official languages, including the language rights of its employees and military personnel.

In recent years, National Defence has faced major challenges in terms of language of work and language of training within the Canadian Forces. Language of work complaints have increased over the last three years, and the language of work survey conducted this year shows low satisfaction levels among both Anglophone and Francophone members of the Forces with their right to use the language of their choice when working in a minority setting.

Over the past year, the Commissioner visited a number of Canadian Forces offices and met with senior officials to gain a better understanding of the operational environment of this institution with regard to language of work. These visits were also part of his ongoing monitoring of how the Department's Official Languages Program Transformation Model, introduced in 2006, works on the ground.

In the coming year, the Commissioner will conduct an audit on language of training in the Canadian Forces—a systemic problem for this institution—to determine to what extent non-commissioned members and officers have access to various training programs in the official language of their choice. He looks forward to working with the institution on this project and other important issues related to language of work.

Analysis of the survey results

The results of the survey show that there are still a number of problem areas regarding language of work in designated regions, especially for Francophone public servants. Overall, an average of only 70% of Francophone public servants working in designated regions were satisfied with their ability to work in the official language of their choice. The average for Anglophone public servants in Quebec was better, at 81%.

Two of the questions elicited particularly low satisfaction rates from Francophone public servants: feeling free to use their language of choice during meetings within their work unit, and feeling free to use their language of choice when preparing written materials. For Anglophone public servants in Quebec, the most significant problem was the lack of training offered in their language of choice. A further breakdown by question is provided in the following paragraphs.

Meetings

Only 59% of Francophone public servants feel free to use the official language of their choice during meetings in their work unit, compared to 77% of Anglophone public servants in Quebec. Clearly, this is a major problem that federal institutions must address. The Commissioner notes that over half of Francophone public servants in the following eight institutions do not feel comfortable using their language of choice during meetings: the **Canada Mortgage and Housing Corporation**, **Health Canada**, the **Public Health Agency of Canada**, the **Ottawa International Airport Authority**, **VIA Rail**, **NAV CANADA**, the **Canadian Forces** and **Air Canada**.

Written materials

A total of 60% of Francophone public servants feel free to use their language of choice when preparing written materials, compared to 82% of Anglophone public servants in Quebec. For this question, five institutions scored under 50% for Francophones: **Indian and Northern Affairs Canada**, the **Public Health Agency of Canada**, **Health Canada**, **NAV CANADA** and the **Canadian Forces**. Another two institutions scored less than 50% for Anglophones in Quebec: **Correctional Service Canada** and **Service Canada**.

Training

In terms of the availability of training in the language of their choice, 73% of Francophone public servants stated they were satisfied in this respect. The percentage for Anglophones in Quebec is identical. Only four institutions scored less than 50% for Francophones in this category: **VIA Rail**, the **Ottawa International Airport Authority**, the **Canadian Forces** and **Air Canada**. As for Anglophones in Quebec, this question showed the lowest levels of satisfaction among respondents out of all survey questions.

Nine institutions must make more of an effort to provide training to Anglophone employees in Quebec in their language of choice: the **Royal Canadian Mounted Police**, the **Canada Border Services Agency**, **Transport Canada**, the **Canada Revenue Agency**, **Public Works and Government Services Canada**, the **Canadian Forces**, **Service Canada**, **Citizenship and Immigration Canada** and **Correctional Service Canada**.

Communications with immediate supervisors

The scores were slightly higher in response to the question regarding whether public servants feel free to use their language of choice when communicating with their immediate supervisor. Some 79% of Francophone public servants and 87% of Anglophone public servants in Quebec were satisfied in this regard. The satisfaction rate for Francophones was less than 50% in three institutions: **NAV CANADA**, **Air Canada** and the **Canadian Forces**. The satisfaction rate for Anglophones was less than 50% in two institutions, **Service Canada** and **Correctional Service Canada**.

Work tools

A full 81% of Francophone public servants were satisfied with the materials and tools provided in their language of choice, compared to 88% of Anglophone public servants in Quebec. No institution scored a satisfaction rate of less than 50% for this question.

TABLE 10

TRENDS IN REPORT CARD RESULTS RELATED TO LANGUAGE OF WORK

INDICATOR	TREND	OVERVIEW
Report card ratings for language of work	**No change**	This year's report card results are nearly identical to those obtained last year, meaning that, on the whole, little progress has been made regarding language of work. For example, the same number of institutions that received a "good" rating last year received the same rating this year, and no institution has ever received an "exemplary" rating for this factor.
Language of work survey	**No change**	Compared with the results from last year, the problem areas identified through the language of work survey remain the same. Francophone respondents in both surveys stated they did not feel free to use their official language of choice during meetings and when preparing written material. For Anglophone respondents in Quebec, the most serious problem in both years was access to training in their language of choice.
Top/most improved institutions	**Some change**	Over the last two years, 15 institutions managed to maintain a "good" rating for language of work. While the ratings for some fell this year, the Commissioner is pleased to note that four institutions have improved their performance and this year are receiving a "good" rating for their efforts. These institutions are **Citizenship and Immigration Canada, Western Economic Diversification Canada, Health Canada** and the **Business Development Bank of Canada.**

Audits and follow-ups related to language of work

This year, there were no audits of language of work. One audit follow-up, however, was undertaken that has important implications for language of work and the creation of a bilingual environment in one institution, even if the objective of the original audit was the overall Official Languages Program management.

- **Public Works and Government Services Canada:** The audit of this Department, which was published in September 2005, focused on the internal management of the Official Languages Program within the institution and included issues related to language of work. The follow-up conducted in 2007 reveals that the Department responded well to the Commissioner's 12 recommendations. Based on the Department's overall performance, senior management has clearly demonstrated strong leadership in ensuring results-based management of its Official Languages Program, and in integrating official languages into the organizational culture.

Examples of leadership related to language of work

The following are examples of leadership in the area of language of work, as identified by the Commissioner over the last year.

- **Statistics Canada** continued a pilot project launched in 2006 aimed at making its workplace more conducive to the use of both official languages. The project consists of sending bilingualism facilitators to divisions where the level of bilingualism is relatively low to assess the situation and identify the language of work challenges. The bilingualism facilitator then proposes and implements solutions to improve performance, such as helping employees returning from language training maintain their second language skills and encouraging others to feel comfortable using the official language of their choice in the workplace. Given the success of this initiative in the four divisions that participated in the pilot project, **Statistics Canada** has decided to extend it to the entire institution beginning in 2008–2009. The Commissioner believes this project is an example for other institutions to consider. Given that the satisfaction rate among Francophone employees in this year's language of work survey was only 77%, the Commissioner hopes this initiative will contribute to improving **Statistics Canada**'s results for next year.
- In September 2007, the **Canada Revenue Agency** organized a learning week, including an entire day devoted to official languages. As part of this initiative, nearly 400 managers participated in various workshops and information sessions that examined the different options for career development, including a workshop called "My Language Training." Following this workshop, use of the software "For the Love of English / Pour l'amour du français" doubled, and all employees were given access to this tool. As a result, all Agency employees, regardless of where they work, have tools at their disposal to help them learn and maintain their second language skills, where and when they want to.

CONCLUSION: LANGUAGE OF WORK

A number of important gaps in the implementation of this section of the Act remain to be filled. The Commissioner notes that a large number of complaints about language of work are still filed each year. The report cards show that no progress has been made in this area over the last few years, and that many of the problem areas remain unchanged, particularly the use of French within federal institutions. It is interesting to note, for example, that language of work is the only factor for which no federal institution received an "exemplary" rating in this year's report cards. As mentioned in Chapter I, although the Office of the Commissioner has already conducted three studies on language of work, no action has been taken on the numerous recommendations made in these studies.

The Commissioner believes the time has come to improve the language of work situation. When nearly half of all Francophone employees working in designated bilingual regions do not feel free to use the official language of their choice at meetings or when writing, and when one in five Anglophones working in Quebec feel that access to training in their preferred official language is an issue, federal institutions must take action. Language of work also has to be seen in the broader context of the *Official Languages Act*, not simply as an internal affair of the federal public service. When a bilingual environment is created within an institution, it undoubtedly has an impact on the way the institution carries out its duties under the other parts of the Act.

By showing leadership, institutions can move towards creating a work environment in which both official languages are valued and used in the daily work of public servants. Years have passed since public servants have had the right to work in the official language of their choice, yet they still do not feel free to use their preferred official language in meetings and when writing. Addressing those two problem areas would go a long way towards improving the language of work situation for public servants. As leadership on these issues is often most effective when it comes from the top, the Commissioner is issuing the following recommendation directly to the deputy heads of all federal institutions.

RECOMMENDATION

The Commissioner recommends that the deputy heads of all federal institutions take concrete steps, by December 31, 2008, to create a work environment that is more conducive to the use of both English and French by employees in designated regions.

PART 4:

A CLOSER LOOK AT THE DEVELOPMENT OF OFFICIAL LANGUAGE MINORITY COMMUNITIES AND THE PROMOTION OF LINGUISTIC DUALITY

Taking measures to advance English and French in Canadian society is important to ensure a sound and sustainable future for linguistic duality in this country. Part VII of the *Official Languages Act* states the federal government's commitment in this regard. All federal institutions have the duty to take positive measures to

(1) enhance the vitality of English and French linguistic minority communities across Canada and

(2) foster the full recognition and use of both English and French in Canadian society.

Respecting this provision implies that institutions have to understand the needs and realities of official language communities and put plans in place to address those needs in the context of their mandate. It also means that they must actively seek to fulfill this duty when carrying out their various activities.

This part of the Act reflects the fact that official languages involve much more than service to the public or a bilingual federal public service. Indeed, official languages have an impact on our society as a whole and involve a wide variety of actors, from associations that promote second language education to the vibrant institutions, large and small, that official language communities build and support across Canada.

As mentioned earlier in this chapter, even though provisions for the advancement of English and French have existed since 1988, Parliament decided to strengthen them in 2005 by adding the notion of "positive measures" and allowing this part of the Act to be subject to court remedy. Because of these changes, federal institutions now more than ever must see official languages in a new light and do their part to ensure the advancement of English and French, in their own organizations and in Canadian society as a whole.

Admissible complaints related to the advancement of English and French in 2007–2008

Last year, there was a significant jump in the number of complaints related to the advancement of English and French, due to the 118 complaints received in response to the federal government's 2006 expenditure review. This year, the Office of the Commissioner of Official Languages received 36 admissible complaints related to this part of the Act. This represents 6% of all admissible complaints filed in 2007–2008.

A full 97% of these complaints came from Francophones, a much higher proportion than in the other complaint categories. Regionally speaking, the highest number of complaints came from Manitoba (12), followed by the NCR (10), Ontario (5), and Quebec (4).

Upon further examination, the Commissioner notes that almost the same number of complaints filed this year in this category were related to the development of official language communities as to the promotion of linguistic duality. To improve performance in this area, federal institutions must better understand their obligations regarding the advancement of Canada's linguistic minority communities. As a starting point, institutions should incorporate the three principles laid out by the Commissioner in last year's annual report.[18] They can also consult the *Guide for Federal Institutions* on the implementation of this part. As mentioned, the Guide sets forth a number of questions that institutions should ask themselves to ensure compliance with the Act, particularly in light of the amendments made in 2005.[19] Because there are no regulations governing this part of the Act, federal institutions have a unique opportunity to be as innovative and proactive as possible in developing positive measures in collaboration with OLMCs and other key stakeholders that seek to advance English and French in Canada.

TABLE 11

TRENDS IN ADMISSIBLE COMPLAINTS RELATED TO THE ADVANCEMENT OF ENGLISH AND FRENCH

INDICATOR	TREND	OVERVIEW
Total number of admissible complaints related to Part VII	**Increase**	Since 2005–2006, the number of admissible complaints related to Part VII has more than quadrupled. This increase can be attributed to a heightened awareness among Canadians about the amendments made to Part VII in 2005, and the fact that institutions now have greater responsibilities under this part.
Region where the alleged infraction occurred—Part VII	**Some change**	In the last three years, the vast majority of complaints related to Part VII involve alleged infractions that occurred in the National Capital Region. This unusually high number (75%) can be explained by the fact that most of the complaints related to the 2006 expenditure review were filed against the federal government as a whole, which means the alleged infractions were considered to have occurred in Ottawa.

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[18] For the three principles for the implementation of Part VII, see Chapter I, page 7.

[19] For the questions institutions should ask to ensure compliance to the Act, see section 1 of this chapter, page 99.

Report card results for the advancement of English and French in 2007–2008

The report card factor that looks at the performance of federal institutions in terms of the advancement of English and French in Canadian society is worth 25% of the overall rating. As part of this factor, the Commissioner evaluates whether institutions take into account the development of official language communities and the promotion of linguistic duality in their strategic planning and in the development of policies and programs. Institutions must show, for example, that they have implemented permanent mechanisms to ensure that this is the case, that they have taken steps to raise awareness and engage staff in fulfilling the requirements set out in this part and that they have mechanisms in place that allow them to understand the needs of official language communities. This year, non-designated institutions are also evaluated on whether they have an action plan in place to promote linguistic duality and enhance the development of official language communities (designated institutions are already required by **Canadian Heritage** to develop and implement an action plan for this part of the Act).

This year, the report card results show that there has been some progress in fulfilling these obligations, with institutions receiving generally high marks for this factor. Out of 36 institutions,[20] no less than 16 received an "exemplary" rating, 14 received a "good" rating, four received a "fair" rating and two received a "poor" rating.

In terms of the criteria used to assess this factor, institutions overall received slightly higher ratings for working to enhance the development of official language communities than for promoting linguistic duality in Canadian society. As in previous years, the measures taken for the promotion of linguistic duality are still lacking in some respects, and in certain cases institutions do not even take them into account. More leadership on this front will be needed if the spirit of this part of the Act is to be fully respected.

Designated institutions

The majority of designated institutions performed well for all of the criteria examined. However, these institutions are encouraged to review their existing policies and programs to determine whether they affect the development of official language communities or the promotion of linguistic duality, as this was the main gap identified in the report cards.

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[20] Two of the institutions that were evaluated, the Halifax International Airport Authority and the Ottawa International Airport Authority, are not subject to Part VII of the Act.

Non-designated institutions

The report cards this year reveal that non-designated institutions (i.e., those not required to submit action plans or report on their progress in implementing this part to **Canadian Heritage**) have improved their performance in the advancement of English and French since last year. The Commissioner notes that these institutions have mobilized to better understand and carry out their obligations following the amendments to the Act in 2005. Most of these institutions, for example, now have permanent mechanisms in place to take into account the development of official language communities and the promotion of linguistic duality, while others are in the process of creating them. Some non-designated institutions have even looked at how they can combine their efforts to implement this part of the Act. For example, as highlighted in Chapter I, **Justice Canada**, the **Royal Canadian Mounted Police**, **Correctional Service Canada**, the **Canada Border Services Agency**, **Public Safety Canada** and **Canadian Heritage** have formed a partnership to discuss the impact of their policies and programs on official language communities. The Commissioner applauds this kind of horizontal initiative, and looks forward to seeing the ensuing results.

Despite this progress, the Commissioner highlights the fact that there is still room for improvement, and encourages non-designated institutions to develop action plans to ensure the advancement of English and French, and to review existing policies and programs in light of their new obligations. In the coming year, the Commissioner will be looking for further action from these institutions regarding Part VII, and he expects even greater progress by next year's annual report. It should be noted that the Commissioner, who has taken a generous approach to evaluating non-designated institutions during this transition period, is reviewing the two sets of criteria that have been used since last year.

TABLE 12
TRENDS IN REPORT CARD RESULTS RELATED TO THE ADVANCEMENT OF ENGLISH AND FRENCH

INDICATOR	TREND	OVERVIEW
Report card ratings for the advancement of English and French	**Increase**	Report card ratings in this category have significantly improved since last year, when the criteria were first adjusted to take into account the amendments Parliament made to this part of the Act. This year, no less than 16 institutions received an "exemplary" rating, including five non-designated institutions (the **Canadian Food Inspection Agency, Fisheries and Oceans Canada**, the **Canada Revenue Agency**, the **Canadian Air Transport Security Authority** and the **Canada Mortgage and Housing Corporation**). The Commissioner is encouraged by these results, although a more comprehensive analysis is needed to determine the real effect of this progress on official language communities across Canada.
Top/most improved institutions	**Some change**	Four institutions have received an "exemplary" rating two years in a row: **Canada Post, Citizenship and Immigration Canada, Health Canada** and **Statistics Canada**. In addition to these four institutions, 12 others received an "exemplary" rating this year.

Audits and follow-ups related to the advancement of English and French

This year, the Commissioner undertook two follow-ups related to the advancement of English and French. One looked at how the **Canadian Tourism Commission** has followed up on the recommendations made in a 2005 audit. The other was a follow-up to an audit of the **Community Futures Development Corporations** (CFDCs) and **Community Business Development Corporations** (CBDCs).

- **Canadian Tourism Commission:** The Commissioner found this institution has made satisfactory progress in the implementation of the eight recommendations issued in the audit published in April 2005. Owing to strong leadership from senior management, the Commission has made great strides in the fulfillment of its obligations under Part VII of the Act. In particular, the Commissioner noted a marked improvement in how the institution consults official language communities, promotes English and French in Canadian society and projects the bilingual character of Canada abroad. This progress was also noted in the report card: while three years ago the Commission received "poor" ratings under Part VII, this year it received "exemplary" ratings for the two criteria under this part.

- **Community Futures Development Corporations (CFDCs)** and **Community Business Development Corporations (CBDCs):** This follow-up to the audit published in May 2005 examined issues related to both service to the public and the advancement of English and French. Although CFDCs and CBDCs are not subject to the *Official Languages Act*, four federal institutions have the duty to ensure that these organizations provide bilingual services and take into account the needs of official language communities in their day-to-day work. These four federal institutions are the following:
    - **Western Economic Diversification Canada:** The Commissioner found this institution has responded well to two of the three recommendations in the audit report, but that it still needs to identify a specified timeframe to complete performance indicators for its Part VII action plan. It also needs to take steps to evaluate the measures taken and the results attained by the CFDCs and Francophone economic development organizations under its jurisdiction.
    - **Atlantic Canada Opportunities Agency:** A total of 11 recommendations were made to this institution in the 2005 audit. While the Agency has made progress in implementing some recommendations, the Commissioner would have hoped to have seen better overall results. The follow-up reveals that there are a number of issues the Agency must address, including the need to integrate performance indicators into its Part VII action plan. The Commissioner calls on senior management to reiterate the importance of identifying ways to measure results, and sees the adoption of indicators for the development of official language communities as an appropriate step in the right direction.
    - **Canada Economic Development Agency for the Regions of Quebec:** Fourteen recommendations were made to this institution in the 2005 audit. The Commissioner is pleased to note that progress has been made on a number of fronts, but encourages the institution to do more to ensure the effective monitoring of bilingual services and to demonstrate that the CFDC and the Business Development Centres (equivalent to CBDCs in other provinces) under its jurisdiction are taking measures to foster the development of the Anglophone community in Quebec.
    - **Industry Canada/FedNor:** In the 2005 audit, 11 recommendations were made to **Industry Canada/FedNor**. The Commissioner is, for the most part, satisfied with the progress the institution has made in implementing his recommendations. The Department needs to continue its efforts to ensure that all CFDCs examine and, if necessary, revamp their Web sites so that content is available in both official languages. **Industry Canada** must also incorporate performance indicators into its Part VII action plan to evaluate the work being carried out on behalf of the CFDCs to support the vitality and development of the Francophone community in northern Ontario.

Focus on CBC/Radio-Canada

The **Canadian Broadcasting Corporation (CBC)** and the **Société Radio-Canada (SRC)** are, by their very nature, vitally important institutions for Canada's official languages communities. As our national broadcaster, CBC/Radio-Canada has an important role to play in reflecting the realities of official language minority communities and promoting and sustaining Canadian culture. For many communities, CBC/Radio-Canada is the only station that gives them access to programs in the minority official language; therefore it is clearly an institution with a role to play in fostering official language minority community development.

While CBC/Radio-Canada is the subject of only a few complaints each year, an issue has arisen in recent months that is cause for concern. The institution is contesting the Commissioner's authority to investigate complaints and conduct audits on the grounds that many official languages issues are linked to programming. The Commissioner has serious concerns about this view, and is working with the institution to come to a solution that would allow it to keep its programming independence while respecting—and acknowledging—its obligations under the *Official Languages Act*.

Recognizing the important responsibility CBC/Radio-Canada has to provide programming that reflects Canadians' reality, the Commissioner looks forward to working with the new president to find a solution to this impasse, and to move forward for the benefit of official language minority communities across Canada and the promotion of linguistic duality.

Examples of leadership in the advancement of English and French

The following are examples of leadership in the advancement of English and French that the Commissioner has noted over the past year.

- **Public Works and Government Services Canada** offers official language communities across the country free subscriptions to the Translation Bureau's *Termium Plus®* tool, its online terminology and linguistic data bank in English, French and Spanish. This offer was also extended to the Vancouver 2010 Olympics Organizing Committee (VANOC), another positive step in helping to ensure that the 2010 Winter Games are truly bilingual. The Translation Bureau, a special operating agency of the Department, also gave the Agence de la santé et des services sociaux de Chaudière-Appalaches permission to reproduce and integrate the bilingual *Glossary of Health Services* into its own glossary, which is used by health and social services professionals in the region.
- **Canada Economic Development Agency for the Regions of Quebec** asked the Institut national de la recherche scientifique to create a socio-economic portrait of the Anglophone community in Quebec, to help it better understand the reality of this community's population, geographic distribution, age structure, language knowledge and workforce situation. **Industry Canada** produced a similar research project in DVD format, which created a socio-economic portrait of official language communities to help the Department better target programs and services. This tool will also help the communities themselves more fully understand their socio-economic make-up and the various aspects of their community's vitality. The Commissioner applauds these initiatives, and believes that

these types of research projects are vital to providing federal institutions with knowledge of the challenges and changes that affect official language communities, and determining where best to concentrate their efforts to ensure sound community development.

- **Western Economic Diversification Canada** funds a number of projects specifically for official language community development, including the enhancement of the Corridor touristique francophone de l'Ouest, which aims to attract Francophone tourists to Western Canada. This institution also provides funding to the Agence nationale et internationale du Manitoba, a federal-provincial partnership that addresses business immigration from, and trade with, the countries of the international Francophonie.

  This institution also has funded pilot projects for tele-education and tele-learning in four colleges and universities in Western Canada: the Collège universitaire de Saint-Boniface in Manitoba, the Collège Mathieu in Saskatchewan, Campus Saint-Jean in Alberta and Educacentre College in British Columbia. These pilot projects have led to the creation of online training programs that will allow students, wherever they are, to upgrade their education in French, obtain a degree or diploma, hone their technological skills and take advantage of interesting career opportunities.

- The Commissioner would also like to highlight two examples of leadership aimed at promoting Canada's linguistic duality. During the **National Arts Centre** Youth and Family Concerts series, its official languages champion asked for more French text in the orchestra conductor's script while he is addressing the audience in order to illustrate the equality of both official languages during bilingual performances. Following this request, the French portion of the script was doubled. Another example of leadership can be found at **Canada Post**, which was asked to sponsor the CanSpell National Spelling Bee. Before accepting, the institution decided that it would also sponsor a similar event for Francophones, to show that it promotes linguistic duality in its activities whenever possible. **Canada Post** sponsored both the CanSpell spelling bee and a French-language dictation competition organized by the Fondation Paul-Gérin Lajoie. The Commissioner encourages **Canada Post** to demonstrate the same level of awareness in other situations, and to adopt the same reflex when implementing other parts of the Act, in particular its obligations regarding service to the public and language of work.

CONCLUSION: ADVANCEMENT OF ENGLISH AND FRENCH

Two and a half years after Parliament amended Part VII of the Act to include the obligation to take positive measures to enhance the vitality of linguistic minority communities and foster the full recognition and use of English and French in Canadian society, some changes have been made for the better. While there has been a significant increase in the number of complaints relating to this part of the Act, the Commissioner sees this as a sign of heightened awareness among Canadians of their rights under this part. Mobilization within non-designated federal institutions was also evident, with many putting permanent mechanisms in place to ensure that they take into account the development of official language communities and the promotion of linguistic duality. The Commissioner encourages non-designated institutions to pursue these efforts even further, with a view to enhancing their performance and respecting the language rights of Canadians.

Designated institutions perform well in most respects, but the Commissioner notes that they must do more to ensure reviews of their existing policies and programs include whether they have an impact on the institution's obligations under Part VII.

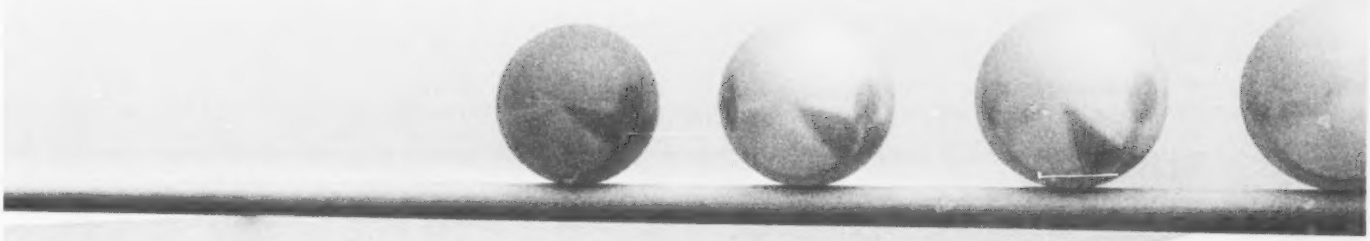
For all institutions, the obligation to promote the use and recognition of English and French in Canadian society is still a major challenge. Year after year, this aspect of ensuring the advancement of English and French is often overlooked. Twenty years after this obligation was first added to the Act, and nearly three years after its reinforcement, the Commissioner still does not see the results that Canadians deserve, and he once again calls upon institutions to show leadership and consider the advancement of English and French as an issue for both official language communities and all of Canadian society. He expects improvements to be made in this area over the next year.

CONCLUSION

As mentioned at the beginning of this chapter, the Commissioner has initiated a process to renew his role as Canada's language ombudsman. The way in which the information was presented in this chapter is a step in this direction. By presenting a more integrated and complete portrait of compliance issues, this chapter aims to indicate to institutions those areas that the Commissioner will be following more closely, and where special attention is needed.

The central story that emerges from this analysis is that it is time for institutions to adopt a more results-focused approach to ensure they fully meet their official languages obligations. The results of a number of institutions for the report card observations and language of work survey leave much to be desired, and many of the examples of leadership that the Commissioner saw were isolated initiatives that did not take into account all aspects of official languages, or make the link between the different obligations set out in the Act. Effective monitoring must be a key concern for federal institutions, be it to ensure that Canadians receive services from them in the official language of their choice, that federal public servants feel free to work in the official language of their choice in designated regions or that official language communities are given the tools and support they need to ensure their vitality and development. As can be seen in this chapter, when there is strong leadership there are positive results. It is important that institutions not lose sight of this message.

In the coming year, the Commissioner will adopt an approach that seeks to more effectively address the concerns Canadians bring before him, while at the same time increasing cooperation between his office and federal institutions. New methods of dispute resolution and intervention are being put in place, which will help the Commissioner resolve problems more quickly and efficiently while respecting the rights of Canadians. The use of these new methods will be tracked and reported in next year's annual report, along with the usual information on complaints, audits, report cards, court remedies, and proactive and preventive interventions. The coming year will bring changes, and the Commissioner will work with federal institutions, as well as with the citizens who approach him for help, to ensure that they understand what the changes mean for them, and how his office will report on compliance in the future. However, this new approach will be implemented with the understanding that federal institutions and their leaders are ultimately responsible for ensuring full respect for the language rights of Canadians, in accordance with the principles and objectives laid out in the *Official Languages Act*.



CONCLUSION

CONCLUSION

In 1966, Prime Minister Lester B. Pearson laid the groundwork for Canada's language policy. Based on those principles, the federal government would be able to serve Canadians in the official language of their choice, and public servants from both language groups would be able to work in their own language.

Prime Minister Pearson said that his government hoped and expected that, within a "reasonable period of years",[1] the public service would reflect the linguistic and cultural values of both English-speaking and French-speaking Canadians. These aspirations were later given a stronger legal foundation, particularly through the adoption of the *Official Languages Act* and the *Canadian Charter of Rights and Freedoms*.

Nearly two years after becoming Commissioner of Official Languages, Graham Fraser finds that Prime Minister Pearson's wishes have not always been fulfilled by successive federal governments. Yet, the "reasonable period of years" he mentioned has long since passed.

The Commissioner is aware of the amount of progress that has been made on official languages since the 1960s, and in no way does he want to minimize its importance. In fact, this annual report highlights this year's success stories, as well as past successes.

However, on the whole, the Commissioner finds that the implementation of the *Official Languages Act* seems to have reached a plateau, as little progress has been made in the past several years. Despite legislation, regulations, policies and other similar documents, the evidence shows that the services provided by the federal government to members of official language communities is inconsistent, and that the public service still does not truly reflect Canada's linguistic duality. Moreover, it is fair to say that everyone does not have the same opportunities to realize their full potential in the official language of their choice.

As he has said many times throughout the report, the Commissioner believes that the federal government can achieve better results by exercising more political will and showing stronger leadership. However, leadership should not be limited to senior officials; it should be demonstrated by the public service as a whole.

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[1] Canada, *Official Report of the Debates of the House of Commons*, Vol. IV, Ottawa: Queen's Printer, 1966, p. 3915. From the statement of policy respecting bilingualism in the public service made by Prime Minister Lester B. Pearson on April 6, 1966.

Nevertheless, calls for leadership and political will are no longer enough. There needs to be action. The Commissioner has emphasized the importance of public service renewal in this regard. The federal government must take advantage of the arrival of a new wave of public servants to ensure the public service reflects the country's linguistic duality. Recruitment, training and development of new employees and executives will help reach this objective.

Political and administrative leadership is all the more important because Canada is developing in a changing world, where internal and external forces have a profound effect on official languages policy. This leadership must contribute to developing a vision of a pluralist and generous society that respects differences and recognizes linguistic duality as a fundamental component of Canada's identity and development.

A final word

The 40th anniversary of the *Official Languages Act* in 2009 will be a time to take stock of the progress that has been made in official languages over the years and outline the challenges that still must be met. Federal institutions have the opportunity to overcome some of these challenges now, so that they can contribute to the progress, not the setbacks, made before this anniversary. The Office of the Commissioner is working with federal institutions to help bring about change; nonetheless, it is incumbent upon these institutions to ensure that the language rights of Canadians are fully respected, and that linguistic duality continues to gain ground from coast to coast to coast. If leadership is shown in some key areas in the coming year—service delivery in both official languages, the active use of both official languages in the federal public service and the support of official language communities and the promotion of linguistic duality—the official languages story that the Commissioner tells next year will be more positive than the one he tells this year.

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